



# भारत का राजपत्र The Gazette of India

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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 26 मई, 1998

MINISTRY OF HOME AFFAIRS

New Delhi, the 26th May, 1998

का०आ०1306.—सरकारी स्थान (अनधिकृत कब्जाधारियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार अपर पुलिस उप महानिरीक्षक, ग्रुप केन्द्र, केन्द्रीय रिजर्व पुलिस बल, खटखटी (आसाम) को, भारत सरकार के एक राजपत्रित अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी के रूप में नियुक्त करती है, जो उक्त अधिनियम के द्वारा या अन्तर्गत केन्द्रीय रिजर्व पुलिस बल, ग्रुप केन्द्र, खटखटी (आसाम) के या उसके नियंत्रणाधीन परिसरों के संबंध में सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उसके लिए दिए गए कर्तव्यों का पालन करेगा।

[सं० ए० दो 16/97-प्रशा०-1 के० रि० पु० बल/गृह मंत्रालय/  
पी० एफ०-4]

जे० के० खन्ना, निदेशक (सी पी ओ-II)

S.O. 1306.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Additional Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Khatkhati (Assam), being a Gazetted Officer of the Government of India, to be an Estate Officer for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on an Estate Officer by or under the said Act in respect of the premises belonging to and under the control of the Central Reserve Police Force at Group Centre, Khatkhati (Assam)

[No. A. II 16/97-Adm.-I CRPF/PF. IV/MHA]

J. K. KHANNA, Director (C.P.O. II)

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 9 जून, 1998

कां.आ. 1307 :—बैंककारी वित्तियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, भारत सरकार, भारतीय रिजर्व बैंक की संस्तुति पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1)(ग) (1) के उपबंध देना बैंक के मामले में, जहां तक उसका संबंध देना बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री रमेश मिश्रा की कृषि वित्त निगम लि० के बोर्ड में निदेशक के रूप में नियुक्ति से है, लागू नहीं होंगे।

[फा० सं० 20/1/93-बी०ओ० I]

सुधीर श्रीवास्तव, निदेशक

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 9th June 1998

S.O. 1307.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section 1(c)(i) of Section 10 of the said Act shall not apply to Dena Bank in so far as it relates to the appointment of Shri Ramesh Mishra, Chairman and Managing Director, Dena Bank as a director on the Board of Agricultural Finance Corporation Limited.

[No. 20/1/93-B.O.I]

SUDHIR SHRIVASTAVA, Director

नई दिल्ली, 17 जून, 1998

कां.आ. 1308.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अन्तरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री एम० गोपालाकृष्णन, वर्तमान महाप्रबंध, बैंक आफ बड़ौदा को उनके कार्यभार ग्रहण करने की तारीख से 31 जनवरी, 2002 तक की अवधि के लिए बैंक आफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा० सं० 9/5/98-बी०ओ० I]

सुधीर श्रीवास्तव, निदेशक

New Delhi, the 17th June, 1998

S.O. 1308.—In exercise of the powers conferred by clause (a) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri S. Gopalakrishnan, presently General Manager, Bank of Baroda as a whole time director (designated as the Executive Director) of Bank of India for the period from the date of his taking charge and upto 31st January, 2002.

[F. No. 9/5/98-B.O.I]

SUDHIR SHRIVASTAVA, Director

विदेश मंत्रालय

(कौंसुलर अनुभाग)

नई दिल्ली, 4 जून, 1998

कां.आ. 1309.—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का कौंसलायास, जेम्हाह में सहायक श्री आरिफ सईद को 3-6-98 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करता है।

[सं० टी० 4330/1/98]

एन० यू० अविराचन, अवसर सचिव (पी०वी० एस०)

MINISTRY OF EXTERNAL AFFAIRS

(Consular Section)

New Delhi, the 4th June, 1998

S.O. 1309.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officer (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Mr. Arif Saeed Assistant in the Consulate General of India, Jeddah to perform the duties of Assistant Consular Officer with effect from 03-06-1998.

[No. T. 4330/1/98]

N. U. AVIRACHEN, Under Secy. (Cons.)

कोयला तह. 78/11

नई दिल्ली, 17 3

का. आ. 1310:—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं. एस. ई. सी. एल./बी. एस. पी./जी. एम. (पी. एल. जी.)/भूमि/193 तारीख 27 सितम्बर, 1997 का निरीक्षण साउथ इस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर—495006 के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर उस भार साधक अधिकारी/विभागाध्यक्ष (राजस्व) कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर (मध्य प्रदेश) को भेजेंगे।

## अनुसूची

## नरईबोध खंड II

## कोरबा कोलफील्ड्स

## गेबरा क्षेत्र

## जिला बिलासपुर (मध्य प्रदेश)

[रेखांक सं. एस. ई. सी. एल./बी. एस. पी./आर. ई. बी./जी. एम./ (पी. एल. जी.)/भूमि/193 तारीख 27-9-93 पूर्वोक्षण करने के आशय को दर्शाते हुए]

क्रम सं.	ग्राम	पटवारी हल्का सं.	खेबट सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	गेबरा	53	91	कटघोरा	बिलासपुर	209.828	भाग
2.	बरभाटा	37	89	कटघोरा	बिलासपुर	99.247	भाग
3.	पंडरीपानी	37	87	कटघोरा	बिलासपुर	103.613	भाग
4.	केसला	37	86	कटघोरा	बिलासपुर	35.000	भाग
5.	सलोरा	37	88	कटघोरा	बिलासपुर	117.279	भाग
6.	चुरैल	54	92	कटघोरा	बिलासपुर	60.000	भाग
7.	सिरबिदा	55	85	कटघोरा	बिलासपुर	60.000	भाग
8.	भेलईबाजार	37	31	कटघोरा	बिलासपुर	100.000	भाग

कुल 784.967 हेक्टर (लगभग)

या

1939.65 एकड़ (लगभग)

## नरईबोध खंड II

## सीमा वर्णन

क—ख :

रेखा ग्राम भेलईबाजार और भठौरा की सम्मिलित सीमा पर बिन्दु “क” से प्रारंभ होती है और ग्राम भेलईबाजार, बरभाटा की उत्तरी सीमा के साथ-साथ चलती है फिर ग्राम बरभाटा—पंडरीपानी, गेबरा से होती हुई बिन्दु “ख” पर मिलती है।

ख—ग :

रेखा अंशतः ग्राम गेबरा की पूर्वी सीमा के साथ-साथ चलती है, फिर अंशतः ग्राम चुरैल की उत्तरी सीमा के साथ-साथ चलती है और बिन्दु “ग” पर मिलती है।

ग—घ :	रेखा ग्राम चुरैल, सिरबिदा से होकर जाती है और बिन्दु "घ" पर मिलती है।
घ—ङ :	रेखा ग्राम सिरबिदा से होकर जाती है, फिर ग्राम सलोरा की दक्षिणी सीमा के साथ-साथ जाती है, फिर ग्राम केसला, भेलईबाजार से होकर जाती है और बिन्दु "ङ" पर मिलती है।
ङ—क :	रेखा ग्राम भेलईबाजार से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/24/97-एल. डब्ल्यू./पी. आर. आई. डब्ल्यू.]

जे. एल. मीणा, निदेशक

## MINISTRY OF COAL

New Delhi, the 17th June, 1998

S.O. 1310.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development), Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number SECL/BSP/GM(PLG)/Land/193 dated 27th September, 1997, of the area covered by this notification can be inspected in the Office of the South Eastern Coalfields Limited, Revenue Section, Seepat Road, Bilaspur-495006 or in the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification may deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Office-in-Charge/Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur 495006 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

## SCHEDULE

## NARAIBODH BLOCK-II

## KORBA COALFIELDS

## GEVRA AREA

## DISTRICT-BILASPUR (MADHYA PRADESH)

(Plan No. SECL/BSP/RE/GM(PLG)/Land/193 dated 27-9-1997 showing intention for Prospecting)

S. No.	Village	Patwari Halka Number	Khewat Number	Tahsil	District	Area in hectares	Remarks
1.	Gevra	53	91	Katghora	Bilaspur	209.828	Part
2.	Barbhata	37	89	Katghora	Bilaspur	99.247	Part
3.	Pandripani	37	87	Katghora	Bilaspur	103.613	Part
4.	Kesala	37	86	Katghora	Bilaspur	35.000	Part
5.	Salora	37	88	Katghora	Bilaspur	117.279	Full
6.	Churail	54	92	Katghora	Bilaspur	60.000	Part
7.	Sirbida	55	85	Katghora	Bilaspur	60.000	Part
8.	Bhelai Bazar	37	31	Katghora	Bilaspur	100.000	Part

TOTAL; 784.967 hectares (approximately)

OR

1939.65 acres (approximately)

## Naraibodh Block-II

## Boundary description:

- A—B Line starts from point 'A' on the common boundary of villages Bhelaibazar and Bhathora and passes along the Northern boundary of village Bhelaibazar, Barbhata, then passes through villages Barbhata, Pandripani, Gevra and meets at point 'B'.

B—C Line passes partly along the Eastern boundary of village Gevra, then partly along the Northern boundary of village Churail and meets at point 'C'.

C—D Line passes through villages, Churail, Sirbida and meets at point 'D'.

D—E Line passes through village Sirbida, then along the Southern boundary of village Salora, then through villages Kesala, Bhelaibazar and meets at point 'E'.

E—A Line passes through village Bhelaibazar and meets at the starting point 'A'.

[No. 43015/24/97-LW/PRIW]

J. L. MEENA, Director

नई दिल्ली, 23 जून, 1998

का० आ० 1311.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) कि धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 6 जुलाई, 1996 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का०आ०सं० 1965 तारीख 12 जून, 1996 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 1798.300 हेक्टर (लगभग) या 4443.60 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी; और केन्द्रीय सरकार को यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 442.14 हेक्टर (लगभग) या 1092.53 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान खोल करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं० एस ई सी एल/बीएस पी/जीएम (पीएलजी)/लैण्ड/198, तारीख 6 फरवरी, 1998 का निरीक्षण कलकत्ता, सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कार्डिनल हाउस स्ट्रीट कलकत्ता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण 2: कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है:—

8. अर्जन के प्रति आक्षेप—(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संचालित करना चाहता है और ऐसी संचालित केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हक्कदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1 कार्डिनल हाउस स्ट्रीट, कलकत्ता-700001 को उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची  
नवापारा परियोजना

भटगांव क्षेत्र

जिला—सरगुजा (मध्य प्रदेश)

रेखांक सं० एम ई सी एल/बी एल पी/जी एम(पी एल सी)/लेड/198

तारीख 6 फरवरी, 1998

खनन अधिकार

राजस्व भूमि

क्रम सं०	गांव का नाम	गांव सं०	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पण
1.	गजाधरपुर	35	सूरजपुर	सरगुजा	41.97	भाग
2.	अनुज नगर	36	सूरजपुर	सरगुजा	307.96	भाग
3.	महेश पुर	70	सूरजपुर	सरगुजा	10.10	भाग
4.	लटोरी	65	सूरजपुर	सरगुजा	43.11	भाग
कुल					403.14	हेक्टर (लगभग)

आरक्षित वन भूमि

क्रम सं०	कम्पार्टमेंट सं०	उपडिवीजन	डिवीजन	क्षेत्र हेक्टर में	टिप्पण
1.	118	सूरजपुर	दक्षिणी सरगुजा	39.00	भाग
कुल				39.00	हेक्टर (लगभग)
कुल योग				442.14	हेक्टर (लगभग)
या				1092.53	एकड़ (लगभग)

1. गजाधर पुर गांव (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक :—

424 (भाग), 425 (भाग), 426 से 430, 430 (भाग), 432 (भाग), 433, 434 से 462, 463 (भाग), 464 (भाग), 499 (भाग), 500, 501 (भाग), 524 (भाग), 525 (भाग), 526 से 531, 532 (भाग), 533 (भाग); 539 (भाग), 541 (भाग), 542 से 563, 564 (भाग), 590 (भाग), 591 (भाग), 592 (भाग), 1029 (भाग), 1030 (भाग), 1034 (भाग), 1035 (भाग), 1039 (भाग), 1040 (भाग), 1041, 1042, 1043 (भाग), 1044 से 1048, 1049 (भाग), 1112 (भाग), 1113 (भाग), 1114 (भाग), 1115 (भाग), 1117 (भाग), 1118 से 1192 ।

2. अनुज नगर गांव (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक :—

31 (भाग), 32 (भाग), 33, 34 (भाग), 41 (भाग), 42 (भाग), 43 से 47, 48 (भाग), 51 (भाग), 52 से 135, 136 (भाग), 137 (भाग), 138 (भाग), 139, 140 (भाग), 205 (भाग), 207 (भाग), 208 (भाग), 210 (भाग); 211 (भाग), 212 (भाग), 213 से 222, 223 (भाग), 225 (भाग), 226 (भाग), 267 (भाग), 394 (भाग), 404 (भाग), 405 (भाग), 406 (भाग), 434 (भाग), 435 (भाग), 440 (भाग), 441 (भाग), 442 (भाग); 443 से 461, 462 (भाग), 463 (भाग), 464, 465 (भाग), 466 से 546 (भाग), 547 (भाग), 548 (भाग); 549 से 687, 688 (भाग), 689 (भाग), 690, 691 (भाग), 692 (भाग), 696 (भाग), 697 (भाग), 698 (भाग); 699 (भाग), 700 (भाग), 705 (भाग), 706, 707, 708 (भाग), 709 (भाग), 710 (भाग), 711 से 723, 724 (भाग), 725 से 874, 875 (भाग), 876 (भाग), 886 (भाग), 888 (भाग), 889 से 897, 898 (भाग), 899 से 1050 ।

3. महेश पुर गांव (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक :

1114 (भाग), 1115 (भाग), 1116 से 1118, 1119 (भाग), 1120 (भाग), 1121, 1122 (भाग), 1123 (भाग), 1128 (भाग), 1129 से 1133, 1134 (भाग), 1135 (भाग), 1138 (भाग), 1139 (भाग), 1140 (भाग); 1141 (भाग), 1143 (भाग), 1144 (भाग), 1145 से 1151, 1152 (भाग), 1153 (भाग), 1154 (भाग), 1155, 1156 (भाग) ।

## 4. लटोली गांव (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक :—

119, 120 (भाग), 121, 122 (भाग), 123, 124 (भाग), 125 (भाग), 126 (भाग), 127 से 137, 138 (भाग), 139 से 165, 166 (भाग), 167 (भाग), 168 से 178, 171/1, 171/2, 172 से 179, 180 (भाग), 181 (भाग), 182, 184 (भाग), 185, 186 (भाग), 187, 188, 189 (भाग), 190 (भाग), 192 (भाग), 193 (भाग) ।

## 5. सुरजपुरी डिवीजन के सरगुजा आरक्षित वन (भाग) में अर्जित किए गए वन कम्पार्टमेंट के संख्यांक 118 (भाग) :—

## सीमा वर्णन

क—ख—ग—ग1	रेखा लटोरी गांव से आरम्भ होती है और प्लॉट सं० 193, 192, 190, 189 से होकर गुजरती है और फिर प्लॉट सं० 189, 169, 168, 167 की दक्षिणी सीमा के साथ होकर जाती है और उसके पश्चात् प्लॉट सं० 167, 166 से होकर लटोरी और महेशपुर गांव की सम्मिलित सीमा के बिन्दु "ग1" पर मिलती है ।
ग1—घ—घ1	रेखा महेशपुर गांव से होकर गुजरती है और प्लॉट सं० 1156, 1154, 1153, 1152, 1143, 1144, 1141, 1140, 1139, 1138, 1135, 1134, 1128, 1123, 1122, 1120, 1119, 1114, 1115 से होकर बिन्दु "घ1" पर मिलती है ।
घ1—ङ—ङ1	रेखा अनुज नगर गांव से होकर गुजरती है और प्लॉट सं० 710, 709, 708, 705, 700, 699, 698, 697, 696, 697, 724, 692, 691, 689, 688 से होकर अनुजपुर गांव और आरक्षित वन की सम्मिलित सीमा के बिन्दु "ङ1" पर मिलती है ।
ङ1—च—छ—छ1	रेखा आरक्षित वन के कम्पार्टमेंट सं० 118 से गुजरती है और बिन्दु "छ1" पर मिलती है ।
छ1—ज—झ—झ1	रेखा गजाधरपुर गांव से गुजरती है और प्लॉट सं० 1029, 1030, 1034, 1035, 1040, 1035, 1039, 1043, 1049, 1112, 1113, 1114, 1115, 1117, 591, 592, 590, 564, 539, 541, 532, 533, 525, 524, 501, 499, 464, 432, 431, 424, 425 से होकर गजाधरपुर और अनुज नगर गांव की सम्मिलित सीमा के बिन्दु "झ1" पर मिलती है ।
झ1—ञ—ट—ठ	रेखा अनुजगांव से गुजरती है और प्लॉट संख्या 51, 48, 31, 32, 34, 42, 41, 140, 138, 137, 136, 205, 207, 208, 207, 212, 210, 211, 227, 225, 223, 548, 547, 546, 441, 440, 442, 435, 434, 406, 405, 404, 462, 463, 462, 394 से होकर जाती है तथा बिन्दु "ठ" पर मिलती है ।
ठ—ड	रेखा अनुज नगर गांव से गुजरती है और प्लॉट सं० 394, 462, 465, 876, 875, 888 तथा प्लॉट सं० 895, 896, 897 की पूर्वी सीमा और फिर प्लॉट सं० 898, 886 से होकर जाती है तथा अनुजपुर और लटोरी गांव की सम्मिलित सीमा के बिन्दु "ड" पर मिलती है ।
ड—क	रेखा लटोरी गांव के प्लॉट सं० 120, 122, 124, 125, 126, 138, 180, 181, 186, 184, 193 से गुजरती है और आरम्भिक बिन्दु "क" पर मिलती है ।

[सं० 43015/21/95-एल०एस०डब्ल्यू०/पी०आर०आई०डब्ल्यू०]

जे० एल० मीणा, निदेशक

New Delhi, the 23rd June, 1998

S.O. 1311.-Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1965 dated the 12th June, 1996, issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section 3, sub-section (ii) of the Gazette of India dated 6th July, 1996 the Central Government gave notice of its intention to prospect for coal in 1798.300 hectares (approximately) or 4443.60 acres (approximately) of the lands in locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government, hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win work and carry away minerals in the lands measuring 442.14 hectares (approximately) or 1092.53 acres (approximately) described in the schedule appended hereto.

Note 1. The plan bearing number SECL/BSP/GM(PLG)/land/198 dated 6th February, 1998 of the area covered by this notification may be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the Office

of the Coal Controller, 1, Council House Street, Calcutta, or in the Office of the South Eastern coalfields Limited (Revenue Section) Seepat Road, Bilaspur-495006 (Madhya Pradesh).

Note 2. Attention is hereby invited to the provisions of Section 8 of the aforesaid Act, which provides as follows:

8. Objection to acquisition: (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation: It shall not be an objection within the meaning of this Section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the lands which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note: The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under section 3 of the Act.

**SCHEDULE**  
**NAWAPARA PROJECT**  
**BHATGAON AREA**  
**DISTRICT—SURGUJA (MADHYA PRADESH)**  
Plan No ; SECL/BSP/GM(PLG)/LAND/198  
dated 6th February, 1998.

**MINING RIGHTS**  
**REVENUE LAND**

Serial No.	Name of village	Village number	Tahsil	District	Area in hectares	Remarks
1.	Gajadharpur	35	Surajpur	Surguja	41.97	Part
2.	Anuj Nagar	36	Surajpur	Surguja	307.96	Part
3.	Maheshpur	70	Surajpur	Surguja	10.10	Part
4.	Latori	65	Surajpur	Surguja	43.11	Part
<b>TOTAL</b>					<b>403.14 Hectares</b> (approximately)	

**RESERVED FOREST LAND**

Serial No.	Compartment number	Sub-Division	Disvision	Area in hectares	Remarks
1.	118	Surajpur	South Surguja	39.00	Part
<b>TOTAL</b>				<b>39.00 hectares</b> (approximately)	

**GRAND TOTAL: 442.14 hectares (approximately)** Or  
**1092.53 acres (Approximately)**

1. Plot numbers to be acquired in village Gajadharpur (Part).

424 (Part), 426 (Part), 426 to 430, 431 (Part), 432 (Part), 433, 434 to 462, 463 (Part), 464 (Part), 499 (Part), 500, 501 (Part), 524 (Part), 535 (Part), 526 to 531, 532 (Part), 533 (Part), 539 (Part), 541 (Part), 542 to 563, 564 (Part), 590 (Part), 591 (Part), 592 (Part), 1029 (Part), 1030 (Part), 1034 (Part), 1035 (Part), 1039 (Part), 1040 (Part), 1041, 1042, 1043 (Part), 1044 to 1048, 1049 (Part), 1112 (Part), 1113 (Part), 1114 (Part), 1115 (Part), 1117 (Part), 1118 to 1192.



## 2. Plot numbers to be acquired in village Anujnagar (Part).

31 (Part), 32 (Part), 33, 34 (Part), 41 (Part), 42 (Part), 43 to 47, 48 (Part), 51 (Part), 52 to 135, 136 (Part), 137 (Part), 138 (Part), 139, 140 (Part), 205 (Part), 207 (Part), 208 (Part), 210 (Part), 211 (Part), 212 (Part), 213 to 222, 223 (Part), 225 (Part), 226, 227 (Part), 394 (Part), 404 (Part), 405 (Part), 406 (Part), 434 (Part), 435 (Part), 440 (Part), 441 (Part), 442 (Part), 443 to 461, 462 (Part), 463 (Part), 464, 465 (Part), 466 to 545, 546 (Part), 547 (Part), 548 (Part), 549 to 687, 688 (Part), 689 (Part), 690, 691 (Part), 692 (Part), 696 (Part), 697 (Part), 698 (Part), 699 (Part), 700 (Part), 705 (Part), 706, 707, 708 (Part), 709 (Part), 710 (Part), 711 to 723, 724 (Part), 725 to 874, 875 (Part), 876 (Part), 886 (Part), 888 (Part), 889 to 897, 898 (Part), 899 to 1050.

## 3. Plot numbers to be acquired in village Maheshpur (Part).

1114 (Part), 1115 (Part), 1116 to 1118, 1119 (Part), 1120 (Part), 1121, 1122 (Part), 1123 (Part), 1128 (Part), 1129 to 1133, 1134 (Part), 1135 (Part), 1138 (Part), 1139 (Part), 1140 (Part), 1141 (Part), 1143 (Part), 1144 (Part), 1145 to 1151, 1152 (Part), 1153 (Part), 1154 (Part), 1155, 1156 (Part).

## 4. Plot numbers to be acquired in village Latori (Part)

119, 120, (Part), 121, 122, (Part), 123, 124 (Part), 125 (Part), 126 (Part), 127 to 137, 138 (Part), 139 to 165, 166 (Part), 167 (Part), 168 to 170, 171/1, 171/2, 172 to 179, 180 (Part), 181 (Part), 182, 184 (Part), 185, 186 (Part), 187, 188, 189 (Part), 190 (Part), 192 (Part), 193 (Part).

## 5. Forest Compartments numbers acquired in Surajpur Division Surajpur Reserve Forest (Part).

118 (Part)

## Boundary Description.

A—B—C—C1	Line starts from point 'A' in village Latori and passes through plot numbers 193, 192, 190, 189 then along the Southern boundary of plot numbers 189, 169, 168, 167, then through plot numbers 167, 166, and meets on the common boundary of villages Latori and Maheshpur at point 'C1'.
C1—D—D1	Line passes through village Maheshpur and passes through plot numbers 1156, 1154, 1153, 1152, 1143, 1144, 1141, 1140, 1139, 1138, 1135, 1134, 1128, 1123, 1122, 1120, 1119, 1114, 1115 and meets at point 'D1'.
D1—E—E1	Line passes through village Anujnagar and passes through plot numbers 710, 709, 708, 705, 700, 699, 698, 697, 696, 697, 724, 692, 691, 689, 688 and meets on the common boundary of village Anujnagar and Reserved Forest at point 'E1'.
E1—F—G—G1	Line passes through Reserved Forest compartment number 118 and meets at point 'G1'.
G1—H—I—I1.	Line passes through village Gajadharpur and passes through plot numbers 1029, 1030, 1034, 1035, 1040, 1035, 1039, 1043, 1049, 1112, 1113, 1114, 1115, 1117, 591, 592, 590, 564, 539, 541, 532, 533, 525, 524, 501, 499, 464, 463, 432, 431, 424, 425 and meet on the common boundary of villages Gajadharpur and Anujnagar at point 'I1'.
I1—J—K—L	Line passes through village Anujnagar and proceeds through plot numbers 51, 48, 31, 32, 34, 42, 41, 146, 138, 137, 136, 205, 207, 208, 207, 212, 210, 211, 227, 225, 223, 548, 547, 546, 441, 440, 442, 435, 434, 406, 405, 404, 462, 463, 462, 394 and meets at point 'L'.
L—M	Line passes through village Anujnagar and proceeds through plot numbers 394, 462, 465, 876, 875, 888, and eastern boundary of plot numbers 895, 896, 897 then through plot numbers 898, 886 and meets on the common boundary at villages Anujnagar and Latori at point 'M'.
M—A	Line passes in village Latori through plot numbers 120, 122, 124, 125, 126, 138, 180, 181, 186, 184, 193 and meets the starting at point 'A'.

[No. 43015/21/95-LSW/PRIW]

J.L. MEENA, Director

आदेश

नई दिल्ली, 24 जून, 1998

कां०आ० 1312.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (i) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक कां०आ० 495 तारीख 4 फरवरी, 1997 के, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 22 फरवरी, 1997 में प्रकाशित होने पर, उक्त अधिसूचना से सलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विल्लंगनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे,

और, केन्द्रीय सरकार का यह समाधान हो गया है कि माउथ ईस्टर्न कोलफील्ड्स लिमिटेड, बिलासपुर (मध्य प्रदेश) सरकारी कंपनी (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), ऐसे निबन्धनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिलेखित करना उचित समझे, अनुपालन करने के लिए राजामन्द है,

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 22 फरवरी, 1997 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबन्धनों और शर्तों के अधीन रहते हुए, उक्त कंपनी में निहित हो जाएंगे, अर्थात्:—

- (1) उक्त कंपनी, उक्त अधिनियम के उपबन्धों के अधीन तथा अवधारित प्रतिकर, व्याज, नुकसानी और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) उक्त कंपनी द्वारा शर्त 1 के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिग्रहण का गठन किया जाएगा तथा ऐसे किसी अधिग्रहण और ऐसे अधिग्रहण की सहायता के लिए नियुक्त व्यक्तियों के सम्बन्ध में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके सम्बन्ध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उत्पन्न सभी व्यय भी, उक्त कंपनी वहन करेगी;
- (3) उक्त कंपनी, केन्द्रीय सरकार या उसके पदाधिकारियों की, ऐसे किसी अन्य व्यय के सम्बन्ध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदाधिकारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के सम्बन्ध में आवश्यक हो, क्षतिपूर्ति करेगी;
- (4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि को किसी अन्य व्यक्ति को अन्तर्गत करने की शक्ति नहीं होगी; और
- (5) उक्त कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[सं० 43015/11/93-एल०एस०डब्ल्यू०/पी०आर०आई०डब्ल्यू०]

जे० एल० मीणा, निदेशक

## ORDER

New Delhi, the 24th June, 1998

S.O. 1312.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 495 dated the 4th February, 1997 in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated the 22nd February, 1997 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and rights in or over the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act.

And, whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur (Madhya Pradesh) (hereinafter referred to as the said Company), a Government Company, is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands so vested shall, with effect from 22nd February, 1977, instead of continuing to so vest in the Central Government, vest in the said Company, subject to the following terms and conditions, namely:—

1. The said Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

2. A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition 1, and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and similarly, all expenditure incurred in respect of the legal proceedings like appeals, etc. for or in connection with the rights in or over the said lands so vesting shall also be borne by the said Company;

3. The said Company shall indemnify the Central Government or its Official against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

4. The said Company shall have no power to transfer the said lands to any other persons without the previous approval of the Central Government; and

5. The said Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/11/93-LSW/PRIW]

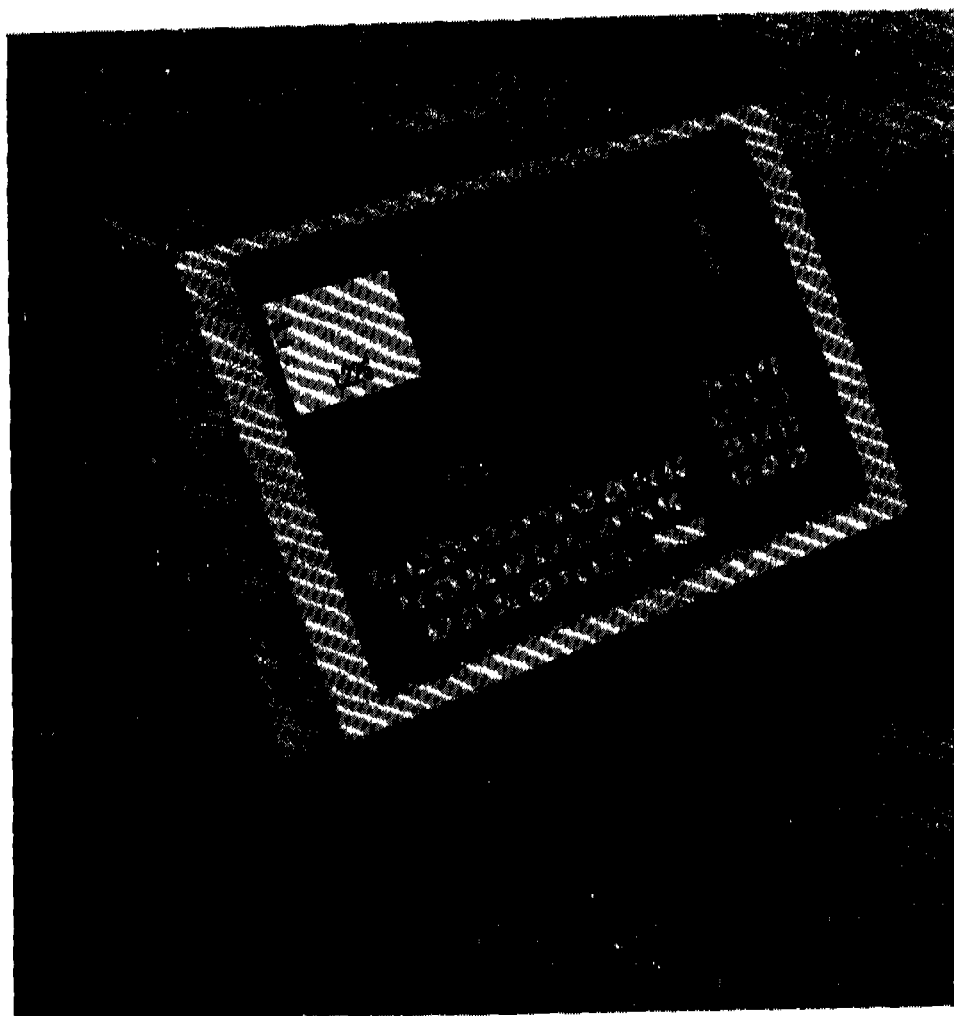
J. L. MEENA, Director

**खाद्य और उपभोक्ता मामले मंत्रालय  
( उपभोक्ता मामले विभाग )**

नई दिल्ली, 19 जून, 1998

का. आ. 1313.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि अविरत उपयोग की अवधि में यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (यथार्थता वर्ग III) (मध्यम यथार्थता के "एल 225" श्रृंखला और "एवेरी" टाइप के ब्राण्ड नाम वाली तुला चौकी उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स एवेरी इंडिया लि., प्लॉट 50-59, सेक्टर 25, बल्लभगढ़ द्वारा किया गया है और जिसे अनुमोदन चिह्न आई०एन०डी०/09/97/55 समनुदेशित किया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है।



आकृति

यह माडल (आकृति देखिए) एक मध्यम (यथार्थता वर्ग III) का तोलन उपकरण है जिसकी अधिकतम क्षमता 30000 कि. ग्रा. और न्यूनतम क्षमता 200 किलो ग्राम है सत्यापन मापमान अन्तर 10 किलो ग्राम है। इसमें एक टेयर युक्ति है जिसका शतप्रतिशत व्यकलनात्मक धारित प्रभाव है। भारग्राही वर्गाकार आकृति का है जिसका पार्श्व  $7.5 \times 3$  मीटर है। दिखाई देने वाला शुष्क कैसोड बैकलाइट ग्राफी पैनल तौल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत् प्रदाय पर कार्य करता है।

इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन प्रमाणपत्र के अन्तर्गत इसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित 10 टन/2 कि.ग्रा. या 5 कि.ग्रा., 15 टन/5 कि.ग्रा., 20 टन/5 कि.ग्रा., या 10 कि.ग्रा., 25 टन/5 कि.ग्रा., या 10 कि.ग्रा., 40 टन/10 कि.ग्रा., 50 टन/10 कि.ग्रा., या 20 कि.ग्रा., 60 टन/20 कि.ग्रा., 80 टन/20 कि.ग्रा., 100 टन/20 कि.ग्रा. या 50 कि.ग्रा., 120 टन/50 कि.ग्रा. और 150 टन/50 कि.ग्रा. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा० सं० डब्ल्यू० एम० 21 (66)/96]

राजीव श्रीवास्तव, अपर सचिव

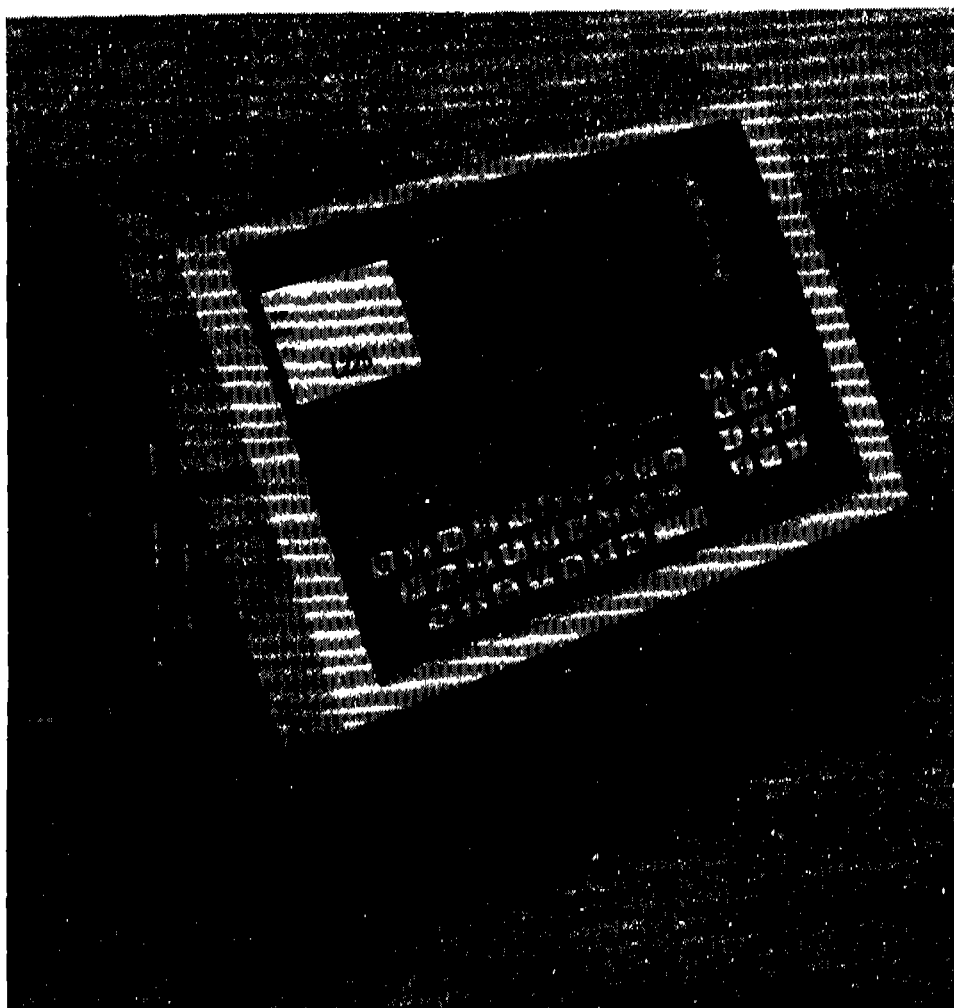
## MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 19th June, 1998

**S.O. 1313.**—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic weighbridge with digital display of type "L225" series of class III accuracy (Medium accuracy) and with brand name "AVERY" (hereinafter referred to as the Model) manufactured by M/s Avery India Limited, Plots 50-59, Sector 25, Ballabgarh and which is assigned the approval mark IND/09/97/55;



(Figure)

The model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30000 kg. and minimum capacity of 200 kg. The verification scale interval (e) is 10 Kg. It has a tare device with a 100 percent sub-tractive retained tare effect. The load receptor is of rectangular section of sides 7.5 × 3 metre. The cold cathode backlit graphics panel with icons indicates the weighing result. The instrument operates on 230 volts and frequency 50 Hertz, alternate current power supply.

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 10t/2kg. or 5kg. 15t/5kg., 20t/5kg. or 10 kg. 25t/5kg. or 10kg., 40t/10kg., 50t/10kg. or 20kg., 60t/20kg., 80t/20kg., 100t/20kg. or 50kg., 120t/50kg. and 150t/50 kg., manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the approved model has been manufactured.

[File No WM 21 (66)/96]

RAJIV SRIVASTAVA, Addl Secy

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 23 जून, 1998

का. आ. 1314 :- केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन ( भूमि में उपयोग के अधिकार का अर्जन ) अधिनियम 1962 ( 1962 का 50 ) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. कां. आ. 2470, तारीख 13 अगस्त 1996 को अधिक्रांत करते हुए सिवाय उन बातों के जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करनेका लोप किया गया है, श्री डी. एच. रावैया के स्थान पर राजकोट के जिला निर्वाचन उप-अधिकारी श्री बी. एच. तलाटी को प्रतिनियुक्ति पर भारत ओमन रिफाइनरीज लिमिटेड, सेन्दूल इंडिया रिफाइनरी परियोजना गुजरात राज्यक्षेत्र के भीतर उक्त अधिनियम के अधीन स्वयं प्राधिकारी के कृत्यों का पालन करने के लिये प्राधिकृत करती है.

( फा. सं. R-31015/35/97- OR II )

के. सी. कटोच, अपर सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 23rd June, 1998

S.O. 1314 - In pursuance of Clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of the Notification of Government of India in the Ministry of Petroleum and Natural Gas No. SO.2470 dated 13th August, 1996 except as respects things done or omitted to be done before such supersession, the Central government hereby authorises Shri B.H. Talati, Deputy District Election Officer, Rajkot on deputation to Bharat Oman Refineries Limited, Central India Refinery Project, to perform, within the territory of the State of Gujarat, the functions of the Competent Authority under the said Act, in place of Mr. D.H. Ravaiya, Mamlatdar, Rajkot.

[File No. R-31015/35/97-ORII]

K.C. KATOCH, Under Secretary

नई दिल्ली, 25 जून, 1998

का. आ. 1315 - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, सेंट्रल इंडियन रीफाइनरी परियोजना, भारत ओमान रीफाइनरीज लिमिटेड, 5/6 - फोर वे कोर्नर काम्प्लेक्स, सतलज होटल के पास, भुरावाव, गोधरा -389001, गुजरात को कर सकेगा;

## अनुसूची

राज्य: गुजरात

जिला का नाम	तालुका का नाम	गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र		
				हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)	(6)	(7)
वडोदरा	सावली	जाम्बुगोरल	477/1	0	11	50
		वच्छे सर	130/1/2	0	25	50
दाहोद	लिमखेडा	परप टा	44/8	0	14	58
		मान्ली	4/1	0	13	02
		अगारा	177/2	0	02	40

[फा. सं. आर-31015/2/98-ओ आर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 25th June, 1998

**S.O. 1315** - Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, that for the purpose of laying such pipelines, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land, to the Competent Authority of Central India Refinery Project of Bharat Oman Refineries Limited, Four Ways Complex, Near Satluj Hotel, Bhuravav, Godhara -389001, Gujarat;

### Schedule

State : Gujarat

Name of District	Name of Taluka	Name of Village	Survey No./ Block No.	Area		
				Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Vadodara	Savli	Jambugoral	477/1	0	11	50
		Wacchesar	130/1/2	0	25	50
Dahod	Limkheda	Parpata	44/8	0	14	58
		Manli	4/1	0	13	02
		Agara	177/2	0	02	40

[File No. R-31015/2/98-OR.II]

K. C. Katoch, Under Secy.



नई दिल्ली, 25 जून, 1998

का. आ. 1316 :- केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3039 तारीख 26 नवंबर 1997, द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को 11 दिसंबर 1997 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लगनों से मुक्त होकर भारत ओमान रिफाईनरीज़ लिमिटेड में निहित होगा।

## अनुसूची

राज्य: गुजरात

जिला का नाम	तालुका का नाम	धारा 3 की उप धारा (1) के अधीन जारी की गई अधिसूचनाके प्रतिनिर्देश का. आ. सं.	राजपत्र की तारीख	गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र हेक्टर आरे सेन्टीआरे		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
वडोदरा	सावली	3039	06.12.97	वरसडा	105/45/ए	0	09	97
					105/45/बी	0	10	88
					179/1 पैकी	0	06	32
					179/1 पैकी	0	22	47
					242/1/4	0	32	68
					242/1/5	0	06	60
					242/1/6	0	04	76
					242/1/6	0	08	39
					242/1/7	0	08	32
					242/1/7	0	02	35
					242/1/8	0	02	16
				जाम्बुगोरल	446/1	0	04	35

[फा. सं. आर-31015/27/96-ओ आर. II]

कै. सी. कटोच, अवर सचिव

New Delhi, the 25th June, 1998

S.O. 1316 .- Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 3039 dated 26th November 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas, the copies of the said gazette notification were made available to the public on 11th December, 1997;

And whereas, the Competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Oman Refineries Limited;

## Schedule

Name of District	Name of Taluka	Reference to publication of Notification U/S 3(I) S.O. No.      Date of Gazette		Name of Village	Survey No./ Block No.	State : Gujarat Area		
						Hectare	Are	Centare
		(3)	(4)			(7)	(8)	(9)
Vadodara	Savli	3039	06.12.97	Varsada	105/45/A	0	09	97
					105/45/B	0	10	88
					179/1 Paiki	0	06	32
					179/1 Paiki	0	22	47
					242/1/4	0	32	68
					242/1/5	0	06	60
					242/1/6	0	04	76
					242/1/6	0	08	39
					242/1/7	0	08	32
					242/1/7	0	02	35
					242/1/8	0	02	16
				Jambugoral	446/1	0	04	35

le No. R-31015/27/96-OR.II]

K. C. Katoch, Under Secy.

नई दिल्ली, 25 जून, 1998

का. आ. 1317 .- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, सेंट्रल इंडियन रीफाइनरी परियोजना, भारत ओमान रीफाइनरीज लिमिटेड, अब्बासी चेम्बर्स, दूसरी मंजिल, पंजाब नेशनल बैंक के पास, राजकोट 360001 गुजरात को कर सकेगा ;.

## अनुसूची

राज्य: गुजरात

जिला का नाम	तालुका का नाम	गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र		
				हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)	(6)	(7)
जामनगर	जामनगर	सापर	85 पैकी	0	30	45
		आमरा	584 पैकी	0	07	13
		वसई	32 पैकी	0	02	00
		कनसुमरा	295 पैकी	0	16	44
		जामनगर	1115/2	0	27	00
		अलीया वाडा	142/2	0	33	00
			163/2 पैकी	0	04	00
	धोल	रोझीया	90 पैकी	0	00	60
		हमापर	228	0	25	80
			227	0	20	45
राजकोट	पड धरी	खजुरडी	146	0	10	84
			254 पैकी	0	34	20
			2/1 पैकी	0	55	20
			2/1 पैकी	0	45	30
	वांकानेर	वालासण	151/2 पैकी	0	35	31
		पीपलीया राज	265/4	0	21	30
			265/3	0	19	58
		राजावड ला	246/2	0	31	04

[फा. सं. आर-31015/37/97-ओ आर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 25th June, 1998

**S.O. 1317** Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, that for the purpose of laying such pipelines, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land, to the Competent Authority of Central India Refinery Project of Bharat Oman Refineries Limited, Abbasi Chambers, 2nd Floor, Near Punjab National Bank, Rajkot, 360 001, Gujarat.

## Schedule

State : Gujarat

Name of District	Name of Taluka	Name of Village*	Survey No./ Block No.	Area		
				Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Jamnagar	Jamnagar	Sapar	85 Paiki	0	30	45
		Amra	584 Paiki	0	07	13
		Vasai	32 Paiki	0	02	00
		Kansumara	295 Paiki	0	16	44
		Jamnagar	1115/2	0	27	00
		Aliabada	142/2	0	33	00
			163/2 Paiki	0	04	00
	Dhrol	Rojhiya	90 Paiki	0	00	60
		Hamapar	228	0	25	80
			227	0	20	45
			146	0	10	84
Rajkot	Padadhari	Khajurdi	254 Paiki	0	34	20
			2/1 Paiki	0	55	20
			2/1 Paiki	0	45	30
	Wankaner	Valasan	151/2 Paiki	0	35	31
		Pipaliya Raj	265/4	0	21	30
			265/3	0	19	58
		Rajavadla	246/2	0	31	04

नई दिल्ली, 25 जून, 1998

का. आ. 1318 - केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 763 तारीख 13 मार्च 1997, द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को 25-3-97 उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी विलगनों से मुक्त होकर भारत ओमान रिफाईनरीज़ लिमिटेड में निहित होगा।

## अनुसूची

						राज्य: गुजरात		
जिला का नाम	तालुका का नाम	धारा 3 की उप धारा (1) के अधीन जारी की गई अधिसूचना का अनुसंधान का. आ. सं.	राजपत्र की तारीख	गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
अहमदाबाद	धोलका	763	22.03.97	मेमर	61	0	12	51
				कोठ	498/2	0	16	17
				रूपगढ	199	0	51	62
				कौका	1212	0	13	02
				पीसावाडा	1217	2	01	35

[फा. सं. आर-31015/23/96-ओ आर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 25th June, 1998

S.O. 1318 :- Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 763 dated 13th March 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas, the copies of the said gazette notification were made available to the public, on 25/3/97 ;

And whereas, the Competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 of Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Oman Refineries Limited;

## Schedule

State : Gujarat

Name of District	Name of Taluka	Reference to publication of Notification U/S 3(I)		Name of Village	Survey No./ Block No.	Area		
		S.O. No.	Date of Gazette			Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Ahmedabad	Dholka	763	22.03.97	Memar	61	0	12	51
				Koth	498/2	0	16	17
				Rupgadh	199	0	51	62
				Kauka	1212	0	13	02
				Pisawada	1217	2	01	35

[File No. R-31015/23/96-OR.II]

K. C. Katoch, Under Secy.



नई दिल्ली, 25 जून, 1998

का. आ. 1319 : - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिये " भारत ओमान रिफायनरीज लिमिटेड " द्वारा पाईपलाईन बिछाई जानी चाहिये ;

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक समझती है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन ( भूमि में उपयोग के अधिकार का अर्जन ) अधिनियम, 1962 ( 1962 का 50 ) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 (इक्कीस दिवस) के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के सम्बन्ध में आक्षेप लिखित रूप में श्री दीपक देशपाण्डे, सक्षम प्राधिकारी, भारत ओमान रिफायनरीज लिमिटेड, 31 बार्ड, जैन तख्तमल कॉलोनी, सिविल लाईन मेन रोड, विदिशा-464001 म.प्र. को कर सकेगा ।

### अनुसूची

राज्य : मध्य प्रदेश

अनु क्रमांक	जिला	तहसील	ग्राम का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टेयर / आरे
1	2	3	4	5	6
1.	राजगढ़	सारांगपुर	सेमली लोढ़ा	544	0.350
			भ्याना	267	0.150
		ब्यावरा	बोंकपूरा	190	0.030
2.	गुना	राघौगढ़	कजलिया	161 / 1-2-3	0.334
3.	विदिशा	लटेरी	बहादुरपूर	54	0.051
				142	0.506
		कुरवाई	दोंगी कुमारिया	272	0.021

के. सी. कटोच, अवर सचिव  
( सं. आर 31015/39/97 - ओ.आर II )

New Delhi, the 25th June, 1998

S.O. 1319 :- Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by the Bharat Oman Refineries Limited;

And whereas that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of the Right of User in Land) Act, 1962 ( 50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Deepak Deshpande the competent authority Bharat Oman Refineries Limited. 31Ward Jain Takhtmal Colony , Civil Lines , Main Road Vidisha 464 - 001, Madhya Pradesh.

### SCHEDULE

#### State : Madhya Pradesh

Sr. No.	District	Tehsil	Name of Village	Survey No.	Area
					Hectare / Are
1	2	3	4	5	6
1.	<b>Rajgarh</b>	Sarangpur	Samli Lodha	544	0.350
			Bhyana	267	0.150
2.		Biaora	Bankpura	190	0.030
3.	<b>Guna</b>	Raghogarh	Kajaliya	161 / 1-2-3	0.334
4.	<b>Vidisha</b>	Lateri	Bhadurpur	54	0.051
				142	0.506
		Kurwai	Dangi Kumariya	272	0.021

K.C.Katoch, Under Secy.  
( No. R - 31015/39/97 - OR - II )

नई दिल्ली, 10 जून, 1998

अर्वाई

दिनांकित : 25-5-1998

का०आ० 1320 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, भोपाल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (एम०पी०) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-98 को प्राप्त हुआ था।

[संख्या एल-41011/41/90-आईआर (डी.यू.)/बी. I]  
पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 10th June, 1998

S.O. 1320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.), as shown in the Annexure, in the industrial dispute between the employers, in relation to the management of Central Railway, Bhopal and their workman, which was received by the Central Government on 10-6-98.

[No. I-41011/41/90-IR (D.U.)/B.I.]  
P. J. MICHAEL, Desk Officer

## अनुबंध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर (म.प्र.)

डी० एन० दीक्षित

पीठासीन अधिकारी

प्र०अ० सीजीआईटी/एलसीआर/51/91

प्रेसीडेंट,

चतुर्थ श्रेणी रेल मजदूर कांग्रेस (इंटक),  
2/236, नामनेर, आगरा (उ०प्र०)

---प्रार्थी

बिम्ब

1. डिवीजनल इंजीनियर (साउथ)  
सेन्ट्रल रेलवे (डीआरएम आफिस)  
हवीबगंज, भोपाल (म०प्र०)

2. डी ए०ई०एन० (एन)  
सेन्ट्रल रेलवे, इटारसी  
जिला-होशंगाबाद (म०प्र०)

---प्रतिप्रार्थीगण

1724 GI/98—5

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या एल-41011/41/90-आईआर० (डी०यू०) दिनांकित 2-4-91 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

## अनुसूची

"Whether the action of the Divisional Engineer (South), Central Railway, Phopal and A.E.N.(M), Central Railway, Itarsi in terminating the services of S/Shri Karan Singh, Sham Sundar and Rakesh Kumar w.e.f. 19-7-90 and S/Shri Uma Shankar, Ram Kumar, Bhagwat Prasad and Bhagwandeem w.e.f. 4-8-90 is justified ? If not, what relief the workmen concerned are entitled to and from what date ?"

2. यूनियन के अनुसार श्रमिक करन सिंह दिनांक 3-8-84 से, श्याम सुन्दर दिनांक 20-9-82 से, उमा शंकर दि० 25-7-83 से, रामकुमार दिनांक 6-6-83 से एवं भगवत प्रसाद 19-11-83 से कार्यरत थे। श्रमिक राकेशकुमार और भगवानदीन भी कार्यरत थे। इनकी सेवाएं दिनांक 19-7-90 और 4-8-90 से अवैध रूप से समाप्त की गई। विभागीय जांच में अपनाई गई प्रक्रिया त्रुटिपूर्ण तथा अनियमित है। लेखों की प्रतियां श्रमिकों को नहीं दी गई तथा कूट परीक्षण का अवसर प्रदान नहीं किया गया। गवाहों के बयान मनमानी रूप से लिखे गए। जांच अधिकारी को जांच करने की पात्रता नहीं थी। सभी श्रमिक 6 वर्ष से ज्यादा रेलवे सेवा में रह चुके थे और अकारण ही उन्हें सेवा से पृथक किया गया। इसी प्रकार के दूसरे प्रकरणों में श्रमिकों को नये सर्विस कार्ड दिए गए। कर्मचारीगण यह चाहते हैं कि यह घोषित किया जाए कि उनकी सेवा-निवृत्ति का आदेश अवैधानिक है तथा उनको सेवा में रहने की पात्रता है। पूरी अवधि का वेतन और भत्तों की मांग भी कर रहे हैं।

3. प्रबंधन के अनुसार श्रमिकों का यह कहना गलत है कि उन्होंने लगातार रेलवे में कार्य किया है। वास्तविकता यह है कि जब भी अस्थायी रूप से काम होता था, श्रमिकों को कुछ अवधि के लिए रखा जाता था। अवधि समाप्त होने पर पृथक कर दिया जाता था। श्रमिकों ने बोगस कार्ड के आधार पर कार्य प्राप्त किया। जांच में ये सभी

सर्विज कांडें बोगस पाए गए। श्रमिकों के विरुद्ध विभागीय जांच की गई और उन्हें सेवा से पृथक किया गया। विभागीय जांच में श्रमिकों को पूर्ण अवसर दिये गए। शर्तों लेखों की प्रतियां दी गईं। गवाहों को प्रतिपरीक्षण करने का अवसर दिया गया। प्रबंधन चाहता है कि श्रमिक कोई भी लाभ पाने के अधिकारी नहीं है।

4. इस न्यायालय ने दिनांक 26-12-94 को यह पाया कि विभागीय जांच में सभी श्रमिकों को लेखों की प्रतिलिपियां दी गईं। उन्हें आरोप पढ़कर समझाए गए। गवाहों को प्रतिपरीक्षण का अवसर दिया गया। साथी कर्मचारी की सेवाएं मदद के लिए दी गईं। इस आधार पर इस न्यायालय ने यह पाया कि विभागीय जांच विधिवत नियमों के अनुसार की गई है।

5. अब यह विचार करना है कि श्रमिकों को जो सजा दी गई है, वह विधिवत है अथवा कठोर। श्रमिकों के विरुद्ध यह आरोप सिद्ध होता है कि इन लोगों ने बोगस कार्ड के आधार पर रेलवे में काम किया। प्रत्येक श्रमिक को सेवा से निकाला गया। श्रमिक जानते थे कि उनके कार्डें बोगस हैं, फिर भी इन्होंने कार्डों को आधार बनाकर प्रत्येक श्रमिक ने रेलवे में काम किया। कार्ड पर त्रय शक हुआ तो उनकी जांच पड़ताल हुई और यह पता लगने पर कि ये बोगस हैं, प्रत्येक श्रमिक के विरुद्ध विभागीय जांच हुई और जांच की रिपोर्ट के आधार पर इन्हें सेवा से पृथक किया गया। श्रमिकों की सेवा का आधार बोगस कार्ड है। जैसे ही यह पता लगा कि ये कार्डें बोगस हैं श्रमिक के विरुद्ध विभागीय जांच शुरू की गई तथा इन्हें सेवा से पृथक किया गया। जो भी श्रमिक जानबूझकर बोगस कार्ड का सहारा लेकर काम पाने हे, उनको हथौड़ा मेश से निकालने के लिए तैयार रहना चाहिए। श्रमिकों को दिया गया दण्ड न्यायोचित है। तथा इस संबंध में हस्तक्षेप की आवश्यकता नहीं है।

6. यह तर्क प्रस्तुत किया गया कि चूंकि श्रमिक ने 6 वर्ष तक या इससे ज्यादा रेलवे में काम किया था, इस कारण उनको नए वर्क कार्डें दे दिए जाएं तथा उनके द्वारा की गई सेवा को जारी रखा जाए, अगर यह तर्क स्वीकार कर लिया जाए तो बोगस कार्ड और सही कार्ड में कोई अंतर नहीं रह जाएगा। जो भी कर्मचारी बोगस कार्ड में नौकरी करता है, उसे दण्ड अवश्य मिलना चाहिए। क्योंकि अगर दण्ड नहीं दिया गया तो इस प्रकार की प्रवृत्ति बढ़ती जाएगी तथा सही कार्डों का कोई महत्व नहीं रह जाएगा। श्रमिक जब जानबूझकर धोखा देते हैं तो उन पर दया दिवाने का कोई औचित्य नहीं है। मैं तर्क को अस्वीकार करता हूं।

अर्वाइ

7. अर्वाइ दिया जाता है कि श्रमिक करन सिंह, प्रियामभुन्दर और राकेशकुमार की सेवा समाप्ति दिनांक 19-7-90 और श्रमिक उसा शंकर, राम कुमार, भगवान प्रसाद और भगवानदीन की सेवा समाप्ति दिनांक 4-8-90

वैधानिक तथा विधिवत है। इनकी पुष्टि की जाती है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

8. नियमानुसार अर्वाइ की प्रतियां भारत सरकार, श्रम मंत्रालय को भेजी जाती हैं।

श्री० एन० दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 15 जून, 1998

का०आ० 1321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के मंत्र नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[सं० एल-12012/211/94-आई०आर०-(बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 15th June, 1998

S.O. 1321—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Bank of India and their workmen, which was received by the Central Government on 12-6-98

[No. L-12012/211/94-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

Reference No. 37 of 1994

PARTIES :

Employers in relation to the management of United Bank of India.

AND

Their workmen

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer

APPEARANCE :

On behalf of Management—Mr. R. N. Mazumdar, Advocate.

On behalf of Workmen—None.

STATE : West Bengal

INDUSTRY : Banking.

AWARD

By Order No. L-12012/211/94-IR(B-II) dated 25th October, 1994 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of United Bank of India, Calcutta in dismissing Shri S. K. Banerjee, Daftry-cum-Cash Peon from service w.e.f. 23-5-92 is legal and justified? If not, what relief is the said workman entitled to?"

2. When the case is called out today for examination of the witness of the union, none appears for the union even though the learned Advocate for the management is present. It appears from the record that number of adjournments were granted to the union on account of absence of Mr. Sarangi

the representative of the union. Since no step is taken on behalf of the union in the matter, it may be presumed that the union is no longer interested in this case.

3. In the aforesaid circumstances, in the absence of any material for any decision in respect of the schedule under reference, this Tribunal has no other alternative but to pass "No Dispute" Award.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of.

This is my Award.

Dated, Calcutta,

The 3rd, June, 1998.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 15 जून, 1998

कां.आ. 1322.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[सं. एन-12012/291/96-आईआर- (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 15th June, 1998

S.O. 1322.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 12-6-1998.

[No. L-12012/291/96-IR (B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 9 of 1998

In the matter of dispute :

#### BETWEEN

The Asst. General Secretary  
Union Bank Staff Association  
3/192 Virak Khand Gomti Nagar  
Lucknow.

#### AND

General Manager  
Union Bank of India  
Zonal Office, Sharda Tower  
II Floor Kapurthala  
Lucknow.

#### APPEARANCES :

Shri P. K. Tiwari—for the Union.  
Shri R. Sainath—for the Management.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/291/96-IR (B-II) dated

6-8-98 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Union Bank of India, Lucknow in not considering the application of Shri Rashmendra Kumar Saxena Clerk-cum-Cashier, Azamgarh Main Branch for the post of Head Cashier, Category 'C' submitted by him on 27-9-95 is legal and justified ? If not to what relief the said workman is entitled ?

2. It is not necessary to give details of the case as parties have filed compromise dated 4-2-98 before me, by value of which the claim has been finally settled.

3. The above mention reference is decided and relief is awarded to the concerned workman in terms of this settlement, which shall form part of the award.

B. K. SRIVASTAVA, Presiding Officer

Form H

(See Rule 58)

#### MEMORANDUM OF SETTLEMENT

Representing Employers :

Shri Rajesh Pandey, Deputy Manager (P), Union Bank of India, Z.O., Lucknow.

Representing Workmen :

Shri P. K. Tewari, Vice President, Union Bank Staff Association UP.

#### SHORT RECITAL OF THE CASE

Union Bank Staff Association U.P. raised an Industrial Dispute before the Asstt. Labour Commissioner (C), Government of India, Allahabad over non-consideration of candidature of Shri Rashmendra Saxena for the post of Head Cashier Cat. "C" in the promotion process initiated by the Bank vide circular No. DP : ZO : LKO : 249 : 95 dated 17-8-1995. The dispute was discussed at length to settle it amicably before the Asstt. Labour Commissioner (C), Government of India, Allahabad but the same could not be resolved. The conciliation proceedings ended in failure on 26-9-1996. The Government of India, vide notification No. L-12012/391/98-IR (B-II) dated 8-1-1998 made the following reference to the Central Government Industrial Tribunal, Kanpur for adjudication :

"Whether the action of the management of Union Bank of India, Lucknow, in not considering the application of Shri Rashmendra Kumar Saxena, Clerk-cum-Cashier, Azamgarh Main Branch for the post of Head Cashier Cat. 'C', submitted by him on 27-9-1995 is legal and justified ? If not, to what relief the said workman is entitled ?"

The parties discussed the matter for out of Tribunal settlement and now came to an agreement to resolve the dispute as under :

#### Terms and Conditions

1. That the management of the Bank agreed to promote Shri Saxena as Head Cashier Cat. 'C' from the same date from which the other candidates in the process were selected i.e. with effect from 1-12-1995, but, financial benefits shall be extended only from the date of this settlement.
2. That consequent upon this settlement, Shri Saxena shall be posted at Nuruddinnapur branch of the Bank in Azamgarh district.
3. That the management also agreed to diarise the request transfer of Shri Saxena for Lucknow, Sitapur and Azamgarh stations as Head Cashier Cat. 'C' treating his application having received at Zonal Office, Lucknow on the 15th day of the release of the orders of the relevant process from Zonal Office, Lucknow. Consequent thereupon, the transfer orders of Shri Saxena for Sitapur (Main) branch as Clerk-cum-Cashier shall stand cancelled and his name in the transfer diary as Clerk-cum-Cashier stands deleted.
4. That the parties agreed that the transfer orders is used as per transfer diary from the proposed date

of diarisation of Shri Saxena's transfer request to the date of this settlement will not be reviewed.

5. That the parties shall not quote this settlement as precedent in future.
6. That the union and for that purpose the workman concerned shall not raise any dispute in this matter before any authority or court.
7. That both the parties shall jointly submit the memorandum of settlement to the Presiding Officer, Central Government Industrial Tribunal, Kanpur with the prayer to pass an appropriate award on the basis of this settlement.

Signed and delivered at Lucknow on this the 4th day of February, 1998.

For Union Bank Staff Association U.P.

(P. K. TEWARI)  
Vice President

For Union Bank of India

(RAJESH PANDEY)  
Deputy Manager (P)

Witnesses :

1. (P. K. SRIVASTAVA)
2. (G. K. MISHRA)

नई दिल्ली, 15 जून, 1998

का०आ० 1323.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[सं० एल-12012/349/94-आई०आर० (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 15th June, 1998

S.O. 1323.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 12-6-1998.

[No. L-12012/349/94-IR (B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LAOUR COURT PANDU NAGAR, KANPUR U.P.

Industrial Dispute No. 54 of 1995

In the matter of dispute :

BETWEEN

Ravindra Kumar C/o Joint Secretary  
U.P.B.E. Union 153 Maharishipuram  
Near Amar Ujala Press Agra.

AND

Regional Manager Bank of India  
Regional Office Sanjai Place  
Agra.

#### APPEARANCES :

M. K. Verma—for the management and  
B. P. Saxena—for the Union.

#### AWARD

1. Central Government, Ministry of Labour vide Notification No. L-12012/349/94-I.R. (B-II) dated 24-5-1995, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Bank of India, Agra in terminating the services of Sri Ravindra Kumar Yadav, casual workman w.e.f. 30-4-92 is legal and justified? If not, what relief is the said workman entitled to?

2. The case of the concerned workman Ravindra Kumar is that he was engaged as cepoy-cum-Hamman by the opposite party Bank of India at their Shikohabad Branch on 2-4-92. He was performing the duty for whole time in a clear vacancy. He was being paid wages per day. He was removed from service in April 92. From May 1991 to April 1992 he had completed 232 days. By adding Sundays and Holidays the number of working days will be much beyond 240 days. When his services were terminated on 30-4-92 no notice pay and retrenchment compensation was paid, hence, there has been breach of provisions of Section 25-F 1, D. Act. Besides after the termination of services of the concerned workman one Virendra Singh was engaged without affording him any opportunity. Hence, there has been breach of provisions of Section 25-H of I. D. Act.

3. The opposite party has filed reply in which it has not been denied that the concerned workman had completed 232 days preceding one year from the date of his termination. It is denied that Sundays and Holidays should be counted for calculating the number of working days. It is further alleged that the concerned workman had used to work in leave vacancy as and when necessity arose. Some times he was also engaged as waterboy. As he was engaged in leave vacancy provisions of Industrial Disputes Act will not be available to him.

4. In the rejoinder it has been denied that the concerned workman was engaged in any leave vacancy.

5. In support of his case the concerned workman Ravindra Kumar has examined himself as WW-1. In rebuttal there is evidence of Hiralal Chhadha MW-1. From the cross examination of the concerned workman it has emerged out that he used to be engaged in leave vacancy. In view of this categorical statement I have no hesitation in accepting the statement of management witness. In this way it is established that the concerned workman was used to be engaged in leave vacancy.

6. Now it has become well settled law that when a workman is engaged in a leave vacancy he is not entitled for benefit of various provisions of Industrial Disputes Act including Sections 25-F and 25-H of I. D. Act.

7. In view of above, my award is that the termination of the concerned workman is not bad in law and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जून, 1998

का०आ० 1324.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इंडिया बैंक लिमिटेड, हावड़ा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[सं० एल-12011/47/89-आई०आर० (बी)-बी-I]

सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1324.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South India Bank Ltd., Howrah Branch and their workman, which was received by the Central Government on 12-6-1998.

[No. L-12011/47/89-IR (B-I)]  
SANATAN, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 30 of 1989

#### PARTIES :

Employer in relation to the management of South India Bank Ltd., Howrah Branch

#### AND

Their workman.

#### PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.  
APPEARANCES :

On behalf of Management—Mr. S. N. De, Advocate.

On behalf of Workman—None.

STATE : West Bengal

INDUSTRY : Banking

#### AWARD

By Order No. L-12011/47/89-IR (B-I) dated 5th October, 1989 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of South India Bank Ltd., Howrah Branch 2 Hazarimal Shah Road, Salkia Howrah-711106 in dismissing Shri Shankar Lal Sharma, Peon from service w.e.f. 4-7-88 is justified ? If not, to what relief is the workman entitled ?"

2. It appears from the record that last chance was given to the workman for contesting the case by making his oral argument today. None, however, appeared on behalf of the workman, nor any step was taken on his behalf today. Learned Advocate for the management is present.

3. In the instant case, it appears that Shankar Lal Sharma was dismissed from service and the justification of that dismissal is the subject matter of this reference. He examined himself in part and did not re-appear for facing cross-examination, as a result of which his evidence was expunged from the record. It also appears that prior to examination of the concerned workman, management examined one witness and proved certain documents. Management's evidence in this case does not require any consideration in view of the fact that the onus was upon the concerned workman to prove that the enquiry proceeding held against him by the management for terminating his service was not legal fair and proper. If any decision is required for the purpose, reference may be made to the Single Bench decision of the Calcutta High Court in the case of the Ganges Manufacturing Co. Ltd. v. State of West Bengal, reported in 1996 (73) FLR 1062. Reference may also be made to the Division Bench decision of the Bombay High Court in the case of Narang Latex and Dispensary Pvt. Ltd. b. Mrs. S.V. Suvarna, reported in 1994 (68) FLR 1028 where the primary onus for proving his case has been found to be lying with the concerned workman.

4. There being thus absolutely no evidence on the part of the workman to prove that the enquiry proceeding was not legal, fair and proper, no question of examination of the witness of the management for proving the same to be legal, fair and proper can arise.

5. It is true that dismissal or discharge from service of a regular workman can be done only by holding an enquiry proceeding followed by the final order of the disciplinary authority. Legality and validity both of these two actions of the management may be the subject matter of challenge under Sections 11 and 11-A of the Industrial Disputes Act, 1947. Since the workman has not taken any step to prove the validity or otherwise of the enquiry proceeding, it necessarily follows that he is not interested in negating the validity of the order of dismissal passed by the disciplinary authority which followed as a natural corollary of the enquiry proceeding.

6. In the aforesaid circumstances, in the absence of any material on record to prove either the enquiry proceeding or the order of dismissal of the disciplinary authority as illegal and invalid this Tribunal has no other option but to dispose of the matter by passing a "No Dispute" Award.

7. A "No Dispute" Award is accordingly passed and the reference is thus disposed of.

This is my Award.

Dated, Calcutta,

The 2nd June, 1998

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 16 जून, 1998

कां० 1325.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेदुंगडी बैंक लिमिटेड, कालीकट के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडु, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[संख्या एल-12012/156/91-आई०आर बी-3/बी. 1]

सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1325.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Neaungadi Bank Ltd., Calicut and their workman, which was received by the Central Government on 12-6-98.

[No. L-12012/156/91-IR B.III] B.I.]

SANATAN, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Tuesday, the 24th day of February 1998

#### PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,  
Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 42 OF 1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Nedungadi Bank Ltd., Calicut).

#### BETWEEN:

Shri V K. Hariharan,  
S/o. Shri V. V. Krishna Iyer,  
No. 4, Mattu Street, Ellaimanman Nagar,  
Agraharam, Korattur, Madras-600076.

Vs.

The Personnel Manager,  
The Nedungadi Bank Ltd.,  
Head Office, Robinson Road,  
Calicut-673001.

## REFERENCE :

Order No. L-12012/156/91-R. B. III, Ministry of Labour,  
dated 18-6-91, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 6th day of January 1998, upon perusing the claim counter statement and all other material papers on record, and upon hearing the arguments of Thiru S. Vaidyanathan, Advocate appearing for the petitioner-union and of Tvl. D. Souza and Radhakrishnan, Advocates appearing for the respondent and thus dispute having stood over till this day for consideration, this Tribunal made the following

## AWARD

The Government of India has referred the following dispute for adjudication.

"Whether the termination of services of Sri V. K. Hariharan, temporary staff by the Nedungadi Bank Ltd., on attaining the age of 25 years is justified? If not, to what relief he is entitled to?"

2. The Main averments found in the claim statement filed by the petitioner are as follows :

The petitioner joined the respondent bank as a sub-staff on 4-10-82 at their Madras Main branch on temporary basis. Initially, he was engaged as a Messenger at that branch. Thereafter he worked on temporary basis as a messenger at T. Nagar, Purasawalkam, Alandur, and Mount Road branches of the respondent bank. Ever since the petitioner's appointment in the bank in the year 1982, many a person like him were also engaged by the Bank on temporary basis to work the branches mentioned above. The services of some of them who are juniors to him stand regularised subsequently and they have been absorbed permanently. For the first time in the year 1988, the respondent bank decided to select and empanel candidates to be appointed on the temporary vacancies of sub-staff vide their Circular letter No. 47/88 dated 16-3-88. The list of candidates selected for the Madras centre is as per the letter dated 31-3-1989. The validity period of the said list was extended in April 1990 for a further period of one year upto March 1991. The petitioner states that the respondent Bank by their letter dated 6-9-90 terminated his services on the ground that he had crossed the upper age limit on 30-5-90. The petitioner worked under the respondent bank till August 1990. That is the respondent bank provided the petitioner with work even after he completed 25 years. The petitioner submits that the work is of permanent nature and one Mr. S. M. Kalimuthu has joined the respondent bank Madurai branch on 12-5-1990. At that time he was 40 years old. The petitioner states that the age limit, as stated by the Bank, has no relevance in getting employment under the respondent bank. Another person Ramesh (deceased) while working under the Bank committed theft and subsequently committed suicide. His brother Mr. Sridhar got permanent appointment under the respondent bank on 19-3-91. The petitioner states that he was well within the upper age limit fixed by the Bank for recruitment as a sub-staff even for temporary appointment at the Bank. As already mentioned the petitioner has been engaged by the respondent bank as a Sub-staff on temporary basis since October 1982. Subsequent to the petitioner's appointment in the Bank in October 1982, several candidates were engaged by the bank on temporary basis in the sub-staff cadre in the office in the Madras centre. The services of some of the temporary employees have been regularised since then. The following persons who are junior to the petitioner while being engaged on temporary basis, are in the permanent establishment in the respondent bank.

1. Shri K. Gopinath — Purasawalkam branch.
2. Shri Delli Rajan — T. Nagar branch.
3. Shri Saafullah Khan — Madras Main branch.

4 Shri B. Ramesh — Mount Road (Deceased).

The petitioner states that removal of his name from the selected and waitlisted candidates on the mere ground that the petitioner has crossed the upper age limit of 25 years of age amounts to discrimination on the matter of providing employment to him despite the position that he has been serving in the bank in the same capacity since the year 1982. It is to be noted that the deletion of his name is not based on performance of work or any act of misconduct etc. at a time when the respondent bank had regularised the service of some of the temporary employees, whose names have been furnished herein above, the denial of similar opportunity to him for no fault of the petitioner is not justified. The petitioner is of view that under the law, he is entitled to be considered for regular service of the bank in view of the fact that the respondent bank had given no appointment, off and on since October 1982. The termination of the petitioner is void ab initio for violation of condition laid down under Section 25-F & N of the I.D. Act, 1947, in as much as the respondent bank has failed to pay retrenchment compensation or wages in lieu of notice or secure permission from the appropriate Government. Between 4-10-82 and 4-8-90 the petitioner has worked for 462 days. According to the clause 20.12 of the Bipartite Settlement the petitioner is entitled to preference in the matter of permanent employment. The petitioner is also entitled to preference under the Section 25-H of the I.D. Act, 1947. The petitioner had completed 240 days in the period of 12 months and as such he falls under the definition (continuous service) as per Section 25-B of the I.D. Act. Under the settlement between the Nedungadi Bank Ltd., Staff Union and the Management dated 16-2-85 it has been agreed that preference will be given to those who have already rendered temporary services. But the Management did not give any effect to the said agreement. Because the petitioner's brother is employed as a clerk in the legal office, Madras respondent bank cannot deny employment on that ground because several other employees have one or other relatives employed in the respondent bank. The petitioner prays to pass award directing the respondent bank to regularise the services of the petitioner and pay him arrears of back wages, continuity of service and other attendant benefits.

3. The main averments in the counter statement filed by the respondent are as follows :

The petitioner joined respondent bank as a sub-staff on 14-10-82 on a temporary basis. The petitioner was never an "employee" as envisaged under the I.D. Act. The petitioner's name was in the list of candidates for appointment as sub-staff in the respondent bank. As he attained the age of 25, the respondent informed him by letter dated 6-9-90 that his name has been removed from the list. It was not the case of the petitioner that he was employed by the respondent on the relevant date. The petitioner's contention was that from time to time from 1982 the petitioner had been employed by the respondent on temporary basis and that gave him the right of the employment and the deletion of his name from the panel therefore means retrenchment. The petitioner is a banking company incorporated under the Indian Companies Act 1956. For declared vacancies of sub-staff the respondent used to select candidates from open market. The merit is decided by interview. After filling up the vacancies persons used to be listed in the waiting list so that when emergent vacancies arose those candidates also could be approached. Such waiting list did not confer any right on the candidate for getting employment in the establishment of the respondent. On casual vacancies arising on account of employees taking leave or other reasons, persons used to be appointed on temporary basis till the incumbents return from leave to duty. In those circumstances the petitioner was employed for 5 days in 1982, 72 days in 1983, 220 days in 1984, 63 days in 1985 in all for 360 days. These employments were only for a specific period and the letter of appointment made it clear that the appointment did not confer any right for the petitioner to get employment in the respondent's establishment in future. In 1988 the respondent thought that it was better to keep a panel of candidates who desire to get employment in the respondent's establishment for casual vacancy. The list of candidates could also be utilised for filling up permanent vacancies if any arising during its validity period. The panel was based in different centres so that the candidates in that locality can be appointed. The panel was maintained through there were no declared vacancies at that time. The panel was prepared only in anticipation of vacancies. The respondent used to interview candi-



dates for the purpose of inclusion in the list. The panel was to be in force for a period of one year on the expiry of which it would lapse. In 1988 the list was prepared after interviewing the candidates. The candidates were appointed in the temporary vacancies of sub-staff arising out of leave and situation of like nature. The respondent issued a circular on 16-3-1988 to its branches to put up the notification in their notice board on 4-9-88 to prepare a panel of candidates. The panel will be valid only for a period of one year from its preparation and the validity period might be extended by the respondent on its sole discretion. The candidates included in the panel had no claim for appointment in the respondent's establishment. As and when the candidates in the panel attained the age of 25 years their names were to be deleted from the list and they would not be considered for appointment thereafter. After the interview held in Madras on 4-12-1988 and 5-12-1988 a list was prepared which included the name of the petitioner. The petitioner's date of birth is 30-5-1965. In 1990 said list expired on its own course but was renewed for another one year. The Branch Manager of the respondent at Madras Parasawalkam branch appointed the petitioner who would be paid at Rs. 815 per month with Dearness allowance thereon. The employment unless renewed or extended by further order would automatically cease on the expiry of the above specific period. The temporary appointment was not to confer any claim for preference for regular appointment in any cadre of the respondent's service. The petitioner accepted the terms and was also appointed temporarily only for a period of 20 days. On 21-1-89 the petitioner was temporarily appointed for a period of 3 days from 11-1-89 at Madras Mount Road branch of the respondent on the same terms and conditions. The petitioner accepted the terms and conditions and worked for 3 days from 21-1-89. Again on 16-12-89 the petitioner applied for temporary appointment for 31 days from 18-12-1989 on the same terms and conditions. He accepted the terms and conditions and worked for 31 days from 18-12-89. On 19-1-1990 the period of employment was extended upto 25-1-1990 on the same terms and conditions. The petitioner was appointed for a period of 29 days from 16-4-1990 at the respondent's Madras Alandur branch on the same terms and conditions. The petitioner was again appointed for a period of 12 days from 24-7-1990 on the same terms and conditions at the respondent's Madras Mount Road branch. The petitioner worked for 37 days in all during 1989 and for 65 days in 1990. On 6-9-1990 the respondent informed the petitioner that his name was deleted from the list of candidates as he had attained the age of 25 years. It is false to state that many persons like the petitioner were engaged in the respondent's Bank and the services of some of them who are juniors to him have been regularised subsequently. Even according to the petitioner, he was not in service of the Bank on 6-9-1990. As such there cannot be any termination of service by letter dated 6-9-1990 as alleged. The petitioner very well knew that his name was liable to be removed from the panel of candidates on his completing 25 years as borne out by circular letter No. 47/88 dated 16-3-1988. The petitioner had accepted these conditions and applied to be included in the panel of candidates. The petitioner was not engaged when it was noted the petitioner has crossed the upper age limit. No person called S. M. Kalimuthu has joined the respondent's bank, Madurai branch on any other branch on 12-5-1990 as alleged. Sri Sridhar, a schedule caste candidate was employed on compassionate grounds as his brother committed suicide while in service and he was aged 19 years on the date of appointment. There has been no engagement of the petitioner permanently by the respondent. The petitioner himself knew that his engagement on casual exigencies did not give him any right or lien for regular employment. The four persons mentioned were recruited from open market after complying with the then prevailing recruitment procedures. Sri Gopinath was appointed in 1984 as per the agreement with the respondent Bank's employees union that all persons who had put in 120 days of temporary during the previous 5 years be absorbed in regular service. It was also the condition that such candidates should not be direct relatives of any of the members of the staff of the bank. The petitioner's brother V. K. Anantharaman is employed with the respondent. Therefore the petitioner was not entitled to be appointed. The petitioner had also applied but among others his application was rejected by the screening committee. The petitioner has acquiesced with these recruitment procedure of the respondent bank is borne out by the fact that the petitioner had not claimed any benefit of his tem-

porary engagement either in 1984 or 1985 and he applied for inclusion in the panel of candidates in 1989 as per the terms of the Notification of the said year. As there has been no regular service of the petitioner with the respondent bank at any point of time he does not acquire any seniority. The respondent states that there is no discrimination in the petitioner's case as alleged. Not only the name of the petitioner but the names of all the persons who completed 25 years had been deleted from the panel. There has been no denial of any similar or equal opportunity to the petitioner as alleged. The deletion of the name of the petitioner from the panel does not amount to retrenchment. Inclusion in the panel of available candidates for engagement on casual exigencies does not amount to employment or even a promise for employment. Admittedly the petitioner was not in the service of the Bank on 6-9-90. As such he is not an employee or for that purpose a workman coming under the Industrial Disputes Act. As the provision of Sections 25-F and N of the I. D. Act are not attracted to the facts of the case there is no violation as alleged. Admittedly the petitioner has not completed 240 days within 12 months immediately preceding to 6-9-90 the date of the alleged retrenchment. A Division bench of Hon'ble High Court has laid down in 1991 (1) LLJ 155 that a workman shall be deemed to be in "continuous service" only if he had put in 240 days during the period of 12 calendar months just preceding the date with reference to which calculations is to be made. The petitioner does not satisfy this and therefore cannot put into service the deeming provision of continuous service. The fact that the petitioner was admittedly employed only as a temporary staff to fill temporary vacancy does not confer rights of continuity of work to be treated by the respondent as a workman of the petitioner attracting all or any other provisions contained in Section 25 of the Industrial Disputes Act. The petitioner was employed occasionally in casual exigencies which were never in the nature of regular or continuous employment. The facts that the petitioner had worked for 240 days in a period of 12 months immediately preceding 9-10-84 will not entitle him to be treated as having worked 240 days immediately preceding 6-9-1990 the date of retrenchment as per his own case. The petitioner in his representation dated 22-10-90 before the Assistant Labour Commissioner has specifically stated

"I submit that the letter of the Personnel Manager of the respondent bank dated 6-9-90 deleting my name from the panel of Employees amounts to retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act, 1947."

Thus this being the relevant date for the purpose of the alleged retrenchment to be entitled to the benefits Section 25-F, the petitioner ought to have actually worked for not less than 240 days in the preceding 12 months from this date. The petitioner was not in the service of the bank as on 6-9-90 and as such not a worker coming within the Industrial Disputes Act as such 1987 (1) LLI P. 714 does not apply to the petitioner. The petitioner was not in the rolls of the Bank on the date of the alleged retrenchment. Therefore, the action of the respondent bank is not hit by any of the provisions of the Industrial Disputes Act. The petitioner is not entitled to the benefits of Section 25-H or any other provisions of the Industrial Disputes Act. The respondent prays to dismiss the claim filed by the petitioner.

4. The petitioner was examined as WW-1 and the Exhibit W-1 to W-21 have been marked. On behalf of the respondent management the Personnel Manager Thiru D. Subramanian was examined and Exs. M-1 to M-20 have been marked.

5. The point for consideration is : Whether the termination of services of Shri V. K. Hariharan, Temporary Staff by the Nedungadi Bank, Ltd., on attaining the age of 25 years is justified ? If not, to what relief he is entitled to ?

6. The Point—The petitioner Sri V. K. Hariharan was employed as sub-staff in the respondent management bank on 4-10-82 at their Madras Main Branch on temporary basis. Thereafter he has worked on temporary basis as a Messenger at T. Nagar, Parasawalkam, Alandur and Mount Road branches of the respondent bank. In the year 1988 the respondent bank decided to select and empanel candidates to be appointed on temporary vacancies of sub-staff vide their circular letter No. 47/88 dated 16-3-88. The said circular is Ex. W-3. A notification was also issued and list of

candidates to be appointed on temporary vacancies of sub-staff is marked as Ex. W-4. The petitioner states that he was called for an interview before selection committee on 4-12-88 and the said letter is Ex. W-6. In the said interview the petitioner was selected for Madras Centre. His name was included in the panel as Sl. No. 6 and the said panel is Ex. W-7. The notice dated 31-3-89 sent to the candidates selected in the Madras Centre is Ex. W-8. The appointment order to the petitioner for three days from 21-11-89 is Ex. W-9. Appointment order to the petitioner to work as sub-staff for 31 days from 18-12-89 is Ex. W-10. Another appointment order to the petitioner for 7 days from 19-1-90 to 25-1-90 is Ex. W-11. The appointment order to the petitioner for a period of 12 days from 27-1-90 is Ex. W-12. The order dated 6-9-90 deleting the name of the petitioner from the list on the ground that he has crossed upper age limit on 30-5-90 is Ex. W-14. The petitioner's letter to the Regional Labour Commissioner, Central enclosing number of days he worked is Ex. W-15.

7. The contention of the petitioner is that (a) he has worked for 240 days in the respondent management and therefore the respondent is bound to pay him notice pay and compensation under Section 25-F and 25-N before retrenching him from services and also the petitioner should have been given priority and opportunity for re-employment, over other person who have been recruited subsequently. The contention of the respondent management is that the petitioner has not put in 240 days of service within 12 calendar months preceding the date of his alleged retrenchment and the petitioner was not actually retrenched but his name was deleted on his attaining the upper age limit of 25 years and therefore the scope for applicability under Sections 25-F, H and N will not arise in the case of the petitioner.

8. Now we have to see whether the petitioner is a workman who has put in 240 days of services in 12 calendar months prior to his alleged retrenchment under Section 25-B of I. D. Act and whether he should have been paid compensation under Section 25-F and also whether he should be given priority in making appointment over others. The circular letter No. 47/88 dated 16-3-88 is the basis on which persons were to be recruited for temporary vacancies of sub-staff. In the said letter the age limit has been fixed as not above 25 years as on 1-4-88. In the case of SC/ST candidates age limit will be relaxed by 5 years. Based on the above Ex. W-3, notification was issued for applications. Ex. W-4 wherein it is mentioned as follows :

"The candidates in the panel will have no claim for permanent appointment in the Bank. As and when a candidate attains 25 years, his name will be automatically cancelled from the list and he will not be eligible for further posting for temporary vacancies. On the above conditions applications are invited from eligible candidates for selection to the panel." The said notification is Ex. W-4. In the letter dated 11-11-88 requiring the petitioner to appear for an interview, it has been specifically mentioned that as and when the candidate attains age of 25 years his name will be automatically cancelled from the list and he will not be eligible for further posting for temporary vacancies. The above letter calling the petitioner for interview is Ex. W-6. Ex. W-8 is attached with notice of list of candidates wherein also it is mentioned that candidates on attaining the age of 25 years (30 in the case of SC/ST), his name will be automatically cancelled from the list and will not be eligible for further posting. The said notice is Ex. W-8. Thus it could be seen that is Ex. W-3, W-4, W-6 and W-8 it has been specifically mentioned that on attaining age of 25 years the candidate whose name has been mentioned in the panel will become disqualified for further appointments. The petitioner has been given appointment for 3 days from 21-1-89, 31 days from 18-12-89, 7 days from 19-1-90, 12 days from 24-7-90, according to the Ex. W-9, W-10, W-11 and W-13. The respondent has submitted that the petitioner had worked for 37 days during 1989 and 65 days during 1990 before his name was deleted from the list of the candidates who have attained age limit of 25 years, as per letter dated 6-9-90 which has been marked as W-14. The petitioner has not produced any evidence to

prove that he has worked for 240 days in the preceding 12 months prior to 6-9-90. In Ex. W-15, the petitioner's letter to Regional Labour Commissioner, Central he has attached the schedule wherein also he has admitted that in 1989 he has worked for 37 days, during 1990 he has worked for only 65 days and therefore there is no dispute as how many days the petitioner was under the employment of the respondent management during 1989 and 1990. The petitioner has actually worked for 5 days in 1982, 72 days in 1983, 220 days in 1984, and 63 days in 1985, i.e. prior to petitioner's name being enlisted in the panel of sub-staff. For the preceding 12 calendar months, prior to deleting his name by letter dated 6-9-90, the petitioner has not put in 240 days of services which is the main criteria for calculating compensation under Section 25-F and for the benefits of Section 25-H. The concerned workman should have been in continuous service for 240 days under the employer for a period of one year during the 12 calendar months preceding the date with reference to which calculation is to be made. In this case the petitioner could have been in continuous employment for 240 days in the year 1983-84, but during 1986-88 he has not worked with respondent and his name was enlisted in the panel for temporary/sub-staff in the year 1989. In that year he has worked only for 37 days and in the year 1990 he has worked only for 65 days. The crucial date from which calculation is to be made is 6-9-90, the date on which the name of the petitioner was deleted from the list on the petitioner's attaining upper age limit. For the question, whether the petitioner has worked for 240 days continuously before the alleged retrenchment the answer is 'No'. Thus the petitioner does not fall under this definition of continuous service as enumerated in Section 25-B of the I.D. Act. It is not enough if the petitioner had worked for 240 days several years prior to the crucial date. In 1991 (1) LLJ P 155 our Hon'ble High Court has held as follows :

"Under the Industrial Disputes Act, the emphasis in S. 25B(2)(a)(ii) is on the days "actually worked" where a workman can establish, that working backwards to a period of 12 months, just preceding the date of his retrenchment, he had actually worked for a period of 240 days during those 12 months under the same employer, then not withstanding any number of interruptions in his service on account of reasons other than those which disqualify him for getting the benefit of the fictional service, he would be deemed to have been in continuous service for a period of one year, and would satisfy the eligibility qualification enacted by the Legislature in S 25F of the Act. Again in State Bank of India Vs. Sundaramony (supra) while dealing with the right to retrenchment benefit of a workman in a dispute between the State Bank of India and one of its workmen, the apex Court found that for computing "continuous service" for purposes of entitlement to retrenchment benefits, what was relevant was to consider the days on which the workman had actually worked under an employer, during the preceding 12 months,

calculated backwards from the date of retrenchment and went on to observe that the provisions of S. 25F could not be allowed to be defeated by reading something non-existing in S. 2(oo) or S. 25(B) (2) of the Act."

The petitioner has been given appointment only for certain short intervals during 1989-90 in the leave vacancy caused by permanent employees. His name has been struck off on his attaining the age of 25 years. In the notification calling for application as well as in the interview letter it is specifically mentioned that any candidate other than SC-ST will not be eligible for appointment, after 25 years of age. The petitioner is well aware of the said condition. Therefore it cannot be said that the petitioner has been removed from the services without prior notice. The petitioner very well knew that his will be removed on his attaining the age of 25 years and therefore it will not amount to a termination of services by way of retrenchment. When there is no retrenchment there is no necessity to pay compensation under Section 25F. The Hon'ble High Court of Punjab and Haryana between the Haryana State Federation of Consumers Co-operative Wholesale Store, Ltd., Chandigarh and Presiding Officer, Industrial Tribunal-cum-Labour Court, Hissar & Anr. In 1995 (2) LLJ P 1054 has held as follows :

"Retrenchment has been defined to mean 'the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action . . .'. An exception was, however, introduced by Act No. 49 of 1984. It was inter alia provided that termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry . . .' would not amount to retrenchment. Thus, the normal rule is that when an employer terminates the service of an employee, for any reason, whatsoever, it retrenches him. However, when a person is employed for doing a particular work or for a specified duration of time (say to work against a leave vacancy) the termination may come about automatically on the completion of the work or the expiry of the period. The law appears to have excluded such termination from the ambit of 'retrenchment'. Further more, it can also happen that a person may be employed on a specified condition that he has to achieve a particular target in a specified time and in case of failure to do so, his appointment shall stand automatically terminated. Even in such a case, the termination may not amount to retrenchment. However, the scope of exception to the general rule in Section 2(oo) cannot be enlarged so as to stifle the basic provision and the real objective of law."

In this case also the petitioner has been employed for a specified duration of time and on his attaining

age of 25 years his name has been deleted. Further the petitioner has not worked for 240 days within a period of 12 calendar months preceding the date of removal of his name from the panel and therefore the petitioner has not worked continuously for 240 days as required under Sec. 25B of the ID Act and naturally the petitioner is not entitled for protection or compensation under Sec. 25F and benefits under Sec. 25H or Sec. 25N. The petitioner has not proved that any other persons enlisted alongwith him has been appointed after crossing the upper age limit of 25 years. The petitioner has contended that some other persons have been given employment in the respondent bank when their relatives are also employed in the Bank but the petitioner is denied employment on the ground that his brother is employed in the Bank. Ex. W-14 which mentions removal of petitioner's name from the list does not say that the petitioner's name has been removed because his brother is employed in the bank and his name has been deleted only on the basis that he has attained the upper age limit on 30-5-1990. Therefore, the question of disqualifying the petitioner on the ground that his brother is employed in the bank does not arise. All the appointments to the petitioner are only temporary, and only of a short duration and the petitioner has not worked continuously for 240 days in the respondent bank and therefore the contentions of the petitioner are untenable.

In the result I hold that the termination of service of the petitioner Sri V. K. Hariharan by the respondent management on his attaining 25 years age is justified and the petitioner is not entitled to any relief. Award passed. No costs.

Dated, this the 24th day of February, 1998

S. ASHOK KUMAR, Industrial Tribunal.

#### WITNESSES EXAMINED

For Petitioner/workman : W.W. 1 : Thiru Hariharan, V.K.

For Respondent-management : Thiru D. Subramanian : M.W. 1.

#### DOCUMENTS MARKED

For Petitioner-workman :

Ex. W-1/16-2-85 : Nedungadi Bank Staff Union—Memorandum of Settlement Extract (copy).

Ex. W-2/18/19-5-88 : General Secretary report at Annual conference.

Ex. W-3/16-3-88 : Circular letter No. 47/88 from Head Office Nedungadi Bank to its branches.

Ex. W-4/31-3-88 : Notification by Nedungadi Bank regarding preparation of list of candidates temporary vacancies.

Ex. W-5/1-12-88 : Certificate issued by Purasawalkam branch regarding service rendered by petitioner.

Ex. W-6/11-11-88 : Respondent to calling for interview.

Ex. W-7/5-12-88 : Respondent list of candidate included in the panel.

- Ex. W-8/31-3-89 : Notification issued by the respondent, respondent enclosing copy of representation of the petitioner.
- Ex. W-9/20-11-89 : Respondent to petitioner offering temporary appointment.
- Ex. W-10/17-12-89 : Respondent to petitioner offering temporary appointment.
- Ex. W-11/19-1-90 : Respondent to petitioner offering temporary appointment.
- Ex. W-12/17-4-90 : Circular letter No. 14/90-91 issued by the Head Office Nedungadi Bank to all branches.
- Ex. W-13/24-7-90 : Respondent to petitioner offering temporary appointment.
- Ex. W-14/6-9-90 : Respondent to petitioner informing the deletion of his name in the panel.
- Ex. W-15/22-10-91 : Petitioner to Regional Labour Commissioner (C), Madras-6 submitting representations.
- Ex. W-16/12-11-90 : Letter of Labour Department to the respondent.
- Ex. W-17/30-11-90 : Respondent to Regional Labour Commissioner (C), Madras-reply.
- Ex. W-18/21-3-91 : Rejoinder of the petitioner.
- Ex. W-19/10-4-91 : Reply to the rejoinder.
- Ex. W-20/26-4-91/8-5-91 : Letter of Regional Labour Commissioner (C) to the Ministry of Labour.
- Ex. W-21/18-6-91 : Order of the Ministry of Labour to the Industrial Tribunal.
- Ex. M-11/30-11-90 : Respondent to Regional Labour Commissioner (C) reply to the representations of the petitioner.
- Ex. M-12/21-3-91 : Rejoinder of the petitioner to the Regional Labour Commissioner (C) Madras-6.
- Ex. M-13/10-4-91 : Reply to rejoinder of petitioner by respondent to the Regional Labour Commissioner (C), Madras.
- Ex. M-14/26-4-91/8-5-91 : Regional Labour Commissioner (C) Madras to the Secretary Labour Department, Union of India, New Delhi with copy of the respondent & petitioner.
- Ex. M-15/18-6-91 : Order passed by the Secretary to Government Labour Deptt., Union of India to the Industrial Tribunal & respondent.
- Ex. M-16/27-6-91 : Notice of Indl. Tribunal to respondent & petitioner.
- Ex. M-17/ : Affidavit in W.P. 10712/91.
- Ex. M-18/ : Writ petition W.P. 10712/91.
- Ex. M-19/ : W.M.P. in W.P. 10712/91 (copy).
- Ex. M-20/2-8-96 : Judgment in W.P. 10712/1991 (Copy).

नई दिल्ली, 16 जन, 1998

**For Respondent-Management :**

- Ex. M-1/5-12-88 : Respondent list of candidates included in panel (copy).
- Ex. M-2/31-3-89 : Notification issued by the respondent (copy).
- Ex. M-3/17-11-88 : Respondent to petitioner calling for interview.
- Ex. M-4/20-11-89 : Respondent to petitioner offering temporary opportunity.
- Ex. M-5/17-12-89 : Respondent to petitioner offering temporary opportunity.
- Ex. M-6/19-1-90 : Respondent to petitioner offering temporary opportunity.
- Ex. M-7/24-7-90 : Respondent to petitioner offering temporary opportunity.
- Ex. M-8/6-9-90 : Respondent to petitioner informing the deletion of his name from panel.
- Ex. M-9/22-10-90 : Representation submitted by the petitioner to the Regional Labour Commissioner (C), Madras-6 (copy).
- Ex. M-10/12-11-90 : Secretary to Government of India, Labour Deptt., New Delhi to the

कां० आ० 1326 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार बरेली कारपोरेशन बैंक लिमिटेड कानपुर के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[संख्या एन-12012/243/95-आर्द० आर्ग० बी/बी० I]  
सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1326.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bareilly Corporation Bank Ltd., Kanpur and their workman, which was received by the Central Government on 12-6-1998.

[No. L-12012/243/95-IR B/B. II]  
SANATAN, Desk Officer.

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESID-  
ING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 43 of 1997.

In the matter of dispute:

BETWEEN :

Gauri Shanker,  
S/o. Gangadin,  
Village and Post Tikra,  
Kanpur Nagar.

AND

Assistant General Manager,  
Bareilly Corporation Bank Limited,  
Sarvodaya Nagar, Kanpur.

APPEARANCE :

Shri V. Singh for the workman and Karun  
Sharma for the Management.

## AWARD

1. Central Government Ministry of Labour vide Notification No. L-12012/243/95-I.R. B., dated 21-1-1997, has referred the following dispute for adjudication to this tribunal :—

“Kya Bareilly Corporation Bank Limited Kanpur ke dwara Shri Gauri Shanker son of Gangadin ko dinank 1-9-1994 se naukari se hatana uchit aur vaidhanik hai ? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai ?”

2. The case of the concerned workman Gauri Shanker is that he was engaged as driver by the opposite party Bareilly Corporation Bank Limited at Sarvodaya Nagar, Kanpur from 13-2-1993. He worked upto 1-9-1994, when his services were terminated in breach of provisions of section 25-F of I. D. Act.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was not engaged by the bank. Instead he was engaged by the A.G.M. for his staff car. Hence he was the private driver of the A.G.M.

4. In the rejoinder this fact is denied.

5. In support of his case, the concerned workman Gauri Shanker has examined himself as W.W.1 and has stated that he was engaged by the bank and he use to drive bank's vehicle. The opposite party bank has examined A.G.M. B. K. Mishra M.W. 1 who has stated that the concerned workman was his personal driver and not that of bank. The management has filed Ext. M-1 to M-9. Out of which Ext. M-1 is material. The concerned workman had applied for being engaged as bank's driver on 6-12-1993. He has specifically mentioned that at that time he was working as private driver of S. K. Mishra. This admission of the concerned workman goes to believe the version of the concerned workman.

6. In view of this admission alone it is held that the concerned workman was not the employee of the bank. Instead he was personal driver of S. K. Mishra. As there was no relationship of master and servant between the concerned workman and the opposite party bank question of his terminating by order dated 1-9-1994, does not arise. Hence concerned workman is not entitled for any relief. Accordingly Award is given. :

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 16 जून, 1998

कांआ० 1327 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन ई० रेलवे, लखनऊ के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[संख्या एल-41012/42/95-आई०आर० (बी० I)]  
सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1327.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. E. Rly., Lucknow and their workman, which was received by the Central Government on 12-6-1998.

[No. L-41012/42/95-IR B. (B.I.)]

SANATAN, Desk Officer.

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESID-  
ING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, DEOKI PALACE ROAD, PANDU  
NAGAR, KANPUR

Industrial Dispute No. 72 of 1996.

In the matter of dispute

BETWEEN :

Mandal Sachiv,  
Purrotter Railway Sharmik Sangh,  
C/o. Shri B. D. Tiwari,  
96/196, Roshan Bajaj Lane,  
Ganeshganj, Lucknow.

AND

P. W. I,  
N. E. Railway,  
Aishbagh, Lucknow.

APPEARANCE :

Shri P. K. Tiwari for the workman Kumari  
Qamar Jhan for the Management.

## AWARD

नई दिल्ली, 16 जून, 1998

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-41012/42/95-I.R. (B-5), dated 22-7-1996 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of North-Eastern Railway in imposing punishment of stoppage of pass facility (3 sets) during the year 1993 on Shri Ram Asrey, Keyman further transferring him from Lucknow to Bakshi Ka Talab without payment of transfer allowance etc. is just and legal ? If not, to what relief the workman concerned is entitled ?”

2. The case of the concerned workman Ram Asrey is that he was working as Keyman under P.W. 1, Aishbagh Railway Station N. E. Railway. He was illegally punished in a domestic enquiry by way of stoppage of pass facility (3 sets during the year 1993). He filed appeal against this order which was dismissed. Further it is alleged that on 23-7-1993 he was transferred from Aishbagh to Bakshi Ka Talab Railway Station but no transfer allowance has been paid which he entitled to get.

3. The opposite party has filed reply in which it has been alleged that concerned workman was not discharging his duties satisfactorily. Hence a charge sheet dated 17-6-1992 was issued to him. After holding enquiry misconduct was found proved. As regards transfer allowance it is alleged that the same has been paid.

4. In the rejoinder nothing new has been alleged.

5. From the above it will be evident that this reference comprised of two parts. The first relates to imposition of punishment and the second relates to non-payment of transfer allowance.

6. Laxmi Kant Pandey, PW-1 has proved that the concerned workman was punished on the basis of domestic enquiry. The concerned workman has also not disputed it. As the concerned workman has not disputed the fairness and propriety of domestic enquiry this tribunal can not go into this question. Suffice it to say as the punishment is based on domestic enquiry the same cannot be said to be bad in law. Hence this punishment cannot be set aside. As regards 2nd point both Ram Asrey W.W. (1) and P.W. I. Laxmi Kant Pandey have admitted that subsequently Rs. 844/- have been paid to the concerned workman as transfer allowance. Hence the 2nd claim is denied as the concerned workman claim stand.

7. Accordingly my Award is that imposition of punishment by way of stoppage pass facility is justified. Further as transfer allowance has been paid to the concerned workman the answer to 2nd party of reference has become instructions. Consequently the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

का.आ. 1328 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्दन रेलवे, लखनऊ के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[संख्या एल-41012/51/94-आई. आर. (बी-1)]

सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998.

S.O. 1328.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workman, which was received by the Central Government on 12-6-1998.

[No. L-41012/51/94-I.R. (B-1)]

SANATAN, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 72 of 1995

Working President,  
Uttar Railway Karamchari Union,  
96/196, Roshan Bajaj Lane,  
Ganesh Ganj, Lucknow.

AND

Divisional Railway Manager,  
Northern Railway,  
Hazratganj, Lucknow.

## APPEARANCE :

Sri P. K. Tiwari : for the workman.

Sri Hamid Quraishy : for the Management.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-41012/51/94-I.R. (B-1), dated 15-6-1995 has referred the following dispute for adjudication to this Tribunal :

“Whether the Railway Administration, Northern Railway, Lucknow is justified in allowing

supercession of Smt. Durgawati, staff Nurse Grade-III in promotion to grade-II and thereafter grade-I by her juniors ? If so, what relief is Smt. Durgawati entitled to ?”

2. It is unnecessary to give the details of the case as on 1-4-1998 Au. Rep. of the concerned workman has stated that he has no instruction. Hence reference is answered against the concerned workman for want of prosecution and proof and she is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 16 जून, 1998

का०आ० 1329 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंटिग्रल कोच फैक्ट्री मद्रास के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, तमिलनाडु, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[संख्या एल-41012/58/91-आई०आर० (डी०यू०) बी. I]

सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1329.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Tamil Nadu, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Integral Coach Factory, Madras and their workman, which was received by the Central Government on the 12-6-1998.

[No. L-41012/58/91-IR(DU)/B.I.]

SANATAN, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Tuesday, the 10th of February, 1998

#### PRESENT :

THIRU S. ASHOK KUMAR, M.Sc., B.L.,

INDUSTRIAL TRIBUNAL.

INDUSTRIAL DISPUTE NO. 80 OF 1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Integral Coach Factory, Madras).

#### BETWEEN

Shri J. Chandrasekaran, No. 81, Bricklin Road,  
5th Lane, Otteri, Madras-600 012.

And

The General Manager, Integral Coach Factory,  
Ayanavaram, Madras-600 038.

#### REFERENCE :

Order No. L-41012/58/91-IR(DU), Ministry of  
Labour, dated 5-12-1991, Govt. of India,  
New Delhi.

This dispute coming on for final hearing on Friday, the 19th day of December 1997, upon perusing the claim and counter statements, and upon hearing the arguments of Thiru Fenn Walter, Authorised Representative for the petitioner-union and of Thiru G. Kalyanasundaram, Advocate appearing for the respondent-management, and this dispute having stood over till this day for consideration, this Tribunal made the following

#### AWARD

This reference has been made by the Central Government for adjudication of the following issue :

“Whether the management of Integral Coach Factory, Madras is justified in terminating the services of Shri J. Chandrasekaran, Khalasi w.e.f. 22-3-88 ? If not, what relief the concerned workman is entitled to ?”

On service of notices, both the petitioner and the respondent appeared before this Tribunal and filed their claim and counter statements respectively.

3. The main averments found in the claim statement filed by the petitioner are as follows :

The petitioner entered service under the respondent on 8-2-1978 as a Khalasi. The petitioner has studied in Calavala Kannan Chetty High School upto 8th Standard and the School is not in existence. The necessary school certificate issued by the School authorities show that he belongs to Kattu Naicken Community which falls under Scheduled Tribe. The petitioner was working as Fitter Skilled Grade-I and his token No. was 22/6008 and he was working in 'B' shop in the Integral Coach Factory. The petitioner was issued with a charge sheet falsely alleging that at the time of his appointment in the I.C.F. on 8-2-1978 he produced a false school certificate that he has studied upto 8th Standard and that he did not belong to Kattu Naicken Community. The petitioner has clearly explained that in fact that the charges have been initiated on statement obtained at his back and that the vigilance department has influenced various authorities and has obtained various statements with a view to punish him and ruin his future by hook or crook. Petitioner-denied the charges since they were false and baseless. The petitioner has also clearly explained that he studied only in Calavala Kannan Chetty High School at Perambur, Madras. It is in this connection, the respondent contended that the petitioner did not belong to Kattu Naicken Community. An enquiry was conducted. In the enquiry the petitioner submitted that he should be permitted to be assisted by an Advocate. Since the entire charges and proceedings have been initiated and conducted by the Vigilance department. The petitioner

by his letter dated 5-2-1987 addressed to the Works Manager/A Shell, ICF, requested that he may be allowed to be assisted by an advocate in the enquiry. Thereafter by another letter dated 20-1-1987 addressed to the Works Manager A, Shell requested that he may be permitted to be assisted by an Advocate. But, such a permission was refused and hence the petitioner was not able to get assistance of an advocate. Petitioner came to know that the entire records have been obtained by the Vigilance Department from the School Authorities as well as Tahsildar and they have used their influence in obtaining the same. It is at this stage he had no other go but to engage a worker by name J.A.L. Ganesan. The refusal to petitioner to be assisted by an Advocate vitiates the enquiry. The documents like School Certificate Community Certificate, were not marked through the concerned Head Master and Tahsildar. The Vigilance officer himself appeared as Presenting Officer who has got legal frame of mind whereas the petitioner has no legal knowledge. When the petitioner wanted to examine him relative and in particular one Srinivasan, a retired Office Superintendent in the railway to prove that the petitioner belonged to Kattu Naicken Community and though he agreed to appear as a witness and explain, none of the petitioner's witnesses were allowed to be examined. The Enquiry Officer conducted the enquiry in a biased and prejudiced manner and acted as a Prosecutor with a determination to hold the petitioner guilty of the charges. The Tahsildar did not give opportunity to the petitioner to prove that he belong to Kattu Naicken Community. One Sugumaran who was dismissed from service for similar reason has been reinstated in service by the order of the Central Administrative Tribunal. The petitioner was removed from service and he preferred an appeal and his appeal was also rejected by the Works Manager by its order dated 21-3-1988. The petitioner has preferred a review petition to the General Manager dated 30-5-1988 which is still pending. The petitioner was drawing a total salary of Rs. 8,500 p.m. at the time of termination from service. The petitioner raised an industrial dispute before the Conciliation Officer and no settlement was arrived in the conciliation proceedings. The petitioner prays to pass an award directing the respondent-management to reinstate the petitioner in service with continuity of service, back wages and other attendant benefits.

4. The main averments found in the counter statement filed by the respondent are as follows :

The petitioner was originally appointed as Khalasi with effect from 8-2-1978 against the quota reserved for Scheduled Tribe Community. Based on the transfer certificate bearing No. 1428/64-85/Admission No. 1309 of 22-6-1965, the petitioner also produced a Community Certificate issued by Tahsildar/Purasawalkam, declaring him as belonging to Kattu Naicken Community. Subsequently, the Vigilance Branch conducted an enquiry in respect of the certificate produced by the petitioner and the statement was recorded from the Head Master as well as the Tahsildar and also from the petitioner. The District Educational Officer was addressed to find out whether the certificate produced by the petitioner containing the name of the school is correct, and a letter dated 6-12-1985 was received from the District Educational Officer stating that the school name was not inscribed as

Kalavala Kannan Chetty Higher Secondary School at Perambur. The District Educational Officer has therefore, stated that it is evident that the T.C. produced by the student is a bogus one. The Head Master and the School Authorities also stated that the admission No. 1309 referred to the year belongs to the year 1931-32 and does not belong to the year 1964-65 and the admission number has been assigned to one V. Arumugam, who left the school in Form No. IV with T.C. No. 454 dated 28-2-1934. It was further stated that the name of Amritharaj does not tally with Admission No. 1309 and in the year 1964-65 no T.C. bearing no. 1428 was issued and hence the petitioner is giving some number which does not tally with the school records. It was also stated that during the year 1964-65 no such person by that name Amritharaj worked in the institution. The Tahsildar was also informed about this fact. The Tahsildar after due enquiry cancelled the community certificate issued by this office. Based on the report submitted by the Vigilance Branch, the employee who worked as skilled Grade I was issued with a charge memo on 9-10-86 for securing employment by production of bogus transfer certificate and falsely claiming as belonging to Scheduled Tribe Community. A charge was issued alongwith the charge sheet document that were sought to be relied and the witness who were going to be examined to sustain the charge were also given. Thereafter the petitioner was asked to submit his written statement of defence and the petitioner submitted a reply to the charge sheet. An enquiry was held in respect of the charge in which the petitioner was assisted by another employee. The Enquiry Officer after considering the evidence oral and documentary confirmed that the petitioner was guilty of the charge framed against him. Thereafter, an order of removal was passed by the Disciplinary Authority and as against which the petitioner preferred an appeal which was also rejected. Thereafter, the petitioner has resorted to the remedy under Section 2-A of the Industrial Disputes Act and consequently the matter has now been referred to this Tribunal. None of the grounds set out in the petition in support of the relief sought are sustainable and they are liable to be rejected. The grounds on which the petitioner attacks the order of penalty is that in the enquiry he was not given assistance of an advocate. It was also contended that the documents were marked without the authors of the document having been examined and there has been a violation of principles of natural justice. None of the contentions are tenable for the reasons stated. In the Discipline and Appeal Rules there is no provision for an advocate being called to assist a delinquent employee. The employee is entitled to defend himself or engage the assistance of another defence counsel who is a serving employee and there is no provision of an advocate being engaged as a defence counsel. In any event, the circumstances are not in existence for the engagement of an advocate as defence counsel. Therefore, the denial of the advocate as a defence counsel is not illegal or invalid. Evidence Act has no application in the departmental enquiry. It is not necessary for the person who issued the document to be present at the enquiry and prove the document. It is enough if the person who has got document from the third party is examined. The petitioner has not suggested that the letter from the Headmaster as well as Tahsildar are fabricated and not genuine. The



Inspector who got the documents has been examined and cross-examined by the delinquent employee. There is no question of the administration refusing to produce the Headmaster or the Tahsildar. It is open to the Enquiry Officer to give reason why he should not allow any witness to be examined. Even if the petitioner examined any of his relative to depose that the petitioner belongs to Kattu Naicken Community, it will not prove the case of the petitioner. The petitioner was charged with offence of production of bogus certificate and therefore the examination of his relative is not going to improve the matter any further. The allegation that the Enquiry Officer conducted the enquiry in a biased and prejudiced manner and has acted as Prosecutor with determination to hold the petitioner guilty of the charges is absolutely untenable. The Tahsildar is a public officer and he is not bound to give any certificate which is not correct or true. The allegation that the petitioner had been denied the opportunity to defend himself before the Tahsildar is incorrect. The allegation that in similar circumstances one Sugumaran was dismissed from service and that the Court has ordered his reinstatement of his service under similar circumstances is not a ground to allow this petition. The petitioner has been removed from service after due enquiry for getting employment on false certificate. The allegation that the procedure adopted is illegal is baseless. The respondent prays that the claim statement of the petitioner may be dismissed.

5. The petitioner examined himself as WW1 and Ex. W.1 to W-16 have been marked. On behalf of the respondent-management, MW1 and MW2 were examined and Exs. M-1 to M-3 were marked. But the evidence of MW1 was eschewed on 3-9-1996 since he died before his examination was completed.

6. The point for our consideration is : Whether termination of service of the petitioner is just and proper ?"

7. The Point: The petitioner J. Chandrasekaran was appointed as a Khalasi in the respondent-management on 8-2-1978. The application of the petitioner for appointment is Ex. W-1. Alongwith the application the petitioner has produced a community certificate and Conduct certificate marked as Ex. W-6, and also a transfer certificate from Calavala Kannan Chetty High School, Perambur. On verification by the Vigilance department was found that the Transfer Certificate issued by the school was bogus. The Headmaster by his letter dated 26-8-1985 marked as Ex. W-5, has stated the following reasons to prove that the Transfer Certificate produced by the petitioner before the respondent at the time of appointment is false. "The Admission No. 1309 refer to the year 1931-32 and does not belong to the year 1964-65."

The admission No. is assigned to one V. Krishnaswamy who left the school in Form IV with T.C. No. 467 dated 28-2-1934. Hence the name of J. Chandrasekaran, does not tally with Ad. No. 1309.

In the year 1964-65 no T.C. bearing No. 1428 was issued and hence it appears that the candidate is giving some no. which does not tally with our school records.

I, further state that the T.C. format does not tally with our T.C. in any manner. For instance this was known as Rao Bahadur Calavala Cunuan Chetty's High School (Perambur Madras-II, and the Kannan is spelt as Cunuan whereas the Xerox copy contains a mutilated name and a different spelling. During that year 1964-65 no such person by name S. D. Anaritharaj worked in this institution as H.M."

8. Earlier at the time of application for appointment the petitioner has produced Community Certificate dated 12-1-1976 which is marked as Ex. W-6. By its letter dated 12-5-1986, the Tahsildar of Purasawalkam-Perambur Taluk has cancelled the Community Certificate issued by him and he had stated the following reason in his letter. "Necessary enquiry was conducted and Thiru J. Chandrasekaran was also given an opportunity to produce concerned records to prove his community that he belongs to Hindus Kattunayagam community. But Thiru J. Chandrasekaran has no other documentary evidence other than his school records to prove his community which have now been found not is bogus. The Community Certificate already issued by this office in D. Dis. No. 569/85 dated 12-6-1976 was based only on his school records. I, therefore, request you to treat the community certificate already issued by this office is cancelled." In Ex. W-3 letter, it could be seen that earlier the Tehsildar issued a community certificate based only on the school certificate produced by the petitioner which has now proved to be a bogus one. As regards the school certificate, by letter dated 6-12-1985, the District Educational Officer, Madras North has also sent Ex. W-4 letter wherein he has stated that the Transfer Certificate produced by the petitioner is a bogus one.

9. When the respondent management came to know that the School certificate produced by the petitioner is a bogus one and the Community Certificate issued by the Tahsildar was cancelled, the management issued a charge dated 9/13-10-1986 framing the following charges :

1. Shri J. Chandrasekaran, Emp. No. 593344 at the time of his appointment in ICF on 8-2-1978 produced a T.C. No. 1428/64-65 of 22-6-1965 and character certificate dated 22-6-1965 stating that he has studied upto VIII standard and belong to Kattu Nayakan Community (ST). These certificate after verification have been proved as bogus and incorrect.
2. Shri J. Chandrasekaran, Emp. No. 593344 at the time of his appointment in ICF produced a community certificate No. D. Dis. 569/75 of 12-1-1976 indicating that he belongs to Kattu Nayagan community (ST) and to which he did not belong.
3. Sri J. Chandrasekaran, Emp. No. 593344 also falsely claimed in his application dated 4-11-1977 that he belongs to Kattu Nayakan Community which is ST and secured appointment in ICF illegitimately.
4. Sri J. Chandrasekaran, Emp. No. 593344 by his above acts mis-represented facts to

the Admin. deliberately and cheated the administration. He has thereby failed to maintain absolute integrity and acted in a manner unbecoming of Rly. servant contravening 3.1(1)(iii) of the Rly Service (Conduct) Rules 1966."

Alongwith the charges the respondent has also enclosed the statement of imputations of misconduct or misbehaviour in support of the Article of charge framed against the petitioner wherein they have mentioned about the various documents which they will rely upon. The said Articles of charge is Ex. W-2. The petitioner has sent an application dated 30-10-1986 marked as Ex. W-7 wherein he contended that the certificates are genuine by saying various reasons. The Presenting Officer has submitted his written statement dated 13-8-1987 which is marked as Ex. W-9, wherein he has explained about the bogus nature of the certificates produced by the petitioner and failure of the petitioner to produce the connected documents to prove his community at the time of fresh enquiry even though opportunity was given to him. The petitioner replies to the written proof of the Presenting Officer is Ex. W-10 wherein he has made several questions.

10. On 9-2-1987 the enquiry proceedings started and the petitioner participated the enquiry and required the assistance of a lawyer which was granted by the Enquiry Officer. On 3-3-1987 the next hearing of the enquiry, the petitioner failed to produce the defence lawyer, therefore, the enquiry was adjourned to 11-3-1987 with the condition that the petitioner should bring his advocate who is an outsider by getting necessary permission to enter either the administration building or in side shop where the enquiry was likely to be held. On 11-3-1987 the petitioner also appeared and pleaded that permission to bring his defence counsel (Advocate) inside the shop where the enquiry is held has been denied by the Commandant of I.C.F. In view of the above representation enquiry was postponed to 23-3-1987 and the venue of the enquiry was shifted to the WM/Ap Shell's room. On 23-3-1987 also the petitioner failed to produce an advocate on his behalf and therefore the enquiry proceedings were adjourned to 17-4-1987 with a direction that the petitioner can nominate the defence counsel among the I.C.F. employees duly satisfying the conditions. The enquiry was conducted on 2-6-1987 with one J.A.L. Ganesan, a co-employee assisting the petitioner, Thiru K. Venkataraman, Vigilance Officer, ICF was examined as a witness and he was cross-examined the same day and on 10-6-1987 and on 24-6-1987. The defence counsel has conducted a very detailed cross-examination by asking 39 questions. Thereafter the enquiry officer questioned the petitioner about the nature of certificate and the question of Enquiry Officer and the answer given by the petitioner are as follows :

Q. 40 : Have you got anything to say at this stage ?

A. As you have stated, I have got no property. Therefore, I am unable to produce any document. Regarding my community my neighbours are prepared to give statement to prove my community.

Q. 41 What is your native place ?

A. I have born according to my parents in Madras. Subsequently my parents moved to various places like Salem, Vellore, Arakonam etc. to find out their livelihood.

Q. 42 : At the time of birth have you got any record by your parents with the appropriate authority (Madras Corpn.).

A : My father discarded my family and went away during my infant stage itself. My mother passed away during 1961. Further, as an innocent child have not asked anything whether they have registered my birth or not.

Q. 43 : Have you had any relatives alive ?

A. : I was told that there are few distant relatives are still living at Arakonam.

Q. 44 : Before concluding the inquiry have you got anything to say.

A. : I will submit by written brief within 15 days from this date (i.e. on or before 10-7-1987).

The enquiry proceedings have been marked as Ex. W-8 : The findings of the Enquiry Officer is Ex. W-11 wherein he has held that the charge framed against the petitioner have been proved. The second show cause notice dated 21-3-1988 issued by the respondent management to the petitioner is Ex. W-12. The explanation for second show cause notice sent by the petitioner is Ex. W-13. The final order issued by the Senior Personnel Officer is Ex. W-14. The appeal submitted by the petitioner to the General Manager is Ex. W-15. The order dated 22-7-1988 reiecting the revision petition is Ex. W-16.

11. The petitioner has contended that the petitioner was denied the opportunity of engaging a lawyer by withdrawing the earlier order which permitted him to engage one advocate and thus the petitioner was not able to meet the case against him. when the Presenting Officer was a Vigilance Officer having a legal frame of mind and therefore the enquiry conducted against him is against the principles of natural justice. Before this Tribunal both sides first argued on the preliminary issue whether the enquiry has been conducted in a fair and proper manner but later on both sides wanted to argue the entire case on merits and therefore filed a joint memo dated 19-12-1997 requesting this Tribunal to pass an order on merits of the case instead of dealing with the preliminary issue alone. Therefore, entire case has to be discussed both on the fairness of the enquiry as well as merits of the case. If this Tribunal holds that the enquiry has not been conducted in a fair and proper manner, an opportunity must be given to the management to prove the misconduct before this Tribunal by examining witnesses.

12. It is true that the petitioner was given permission to engage a defence counsel to appear on his behalf in the domestic enquiry. On three occasions, the enquiry was postponed because of the failure of the petitioner to bring the defence counsel Thiru Vijayakumar who has given his consent according to Ex. M.2. On 3-3-1987 the petitioner failed to pro-

duce his defence lawyer and hence the enquiry was adjourned to 11-3-1987. On 11-3-1987 the petitioner has pleaded that permission to bring his defence counsel inside the shop where enquiry is held has been denied by the Commandant. Thereafter, the enquiry was adjourned to 22-3-1987. On 16-3-87 the respondent has sent Ex. M. 3 letter wherein they have refused to allow the petitioner's advocate to assist the enquiry on the ground that the Vigilance Inspector is not a Prosecution Officer of the C.B.I. or a Government Officer such as Legal Adviser/Junior Legal Adviser and advised the petitioner to nominate his defence counsel from among an employee of the respondent administration. Thereafter the petitioner has engaged Thiru J.A.L. Ganesan, a co-employee, who was assisting the enquiry. Thiru J.A.L. Ganesan has extensively and thoroughly cross-examined the management witness. The nature of cross-examination put forth by the above co-employee would show that the co-employee who assisted the petitioner has very elaborately cross-examined the management witness more than an Advocate can do. Therefore, no prejudice could have been caused to the petitioner by now saving that the denial of permission to engage a lawyer is violation of principles of natural justice. Moreover the facts of the case do not warrant the engagement of a lawyer. In 1990 1 LLJ P. 395, our Hon'ble High Court has held as follows :

"In the instant case, as already noted, there is no rule which speaks about the right of a servant facing the disciplinary action to avail of representation through a legal practitioner. Furthermore, the first respondent has not engaged any legally trained personnel as a presenting-cum-prosecuting officer so that on facts it could be complained that the balance was uneven and the prosecution of disciplinary action turned out to be inequitable. As pointed out by the second respondent, the facts of the case were simple and the records required to be adverted to and proved during the course of the enquiry were all without exception those prepared by the petitioner himself. As rightly held by the second respondent the facts of the case also did not warrant the permitting of the management of a legal practitioner to defend the cause of the petitioner."

In the Railway Servants (Disciplinary and Appeal Rules), 1968 under Rule 13(a) it has been mentioned as follows :

"13(a) The railway servant may present his case with the assistance of any other railway servant (including a railway servant on leave preparatory to retirement) employed on the same Railway administration on which he is working. If the railway servant is employed in the Office of the Railway Board, it is attached office or Sub-ordinate office, he may present his case with the assistance of any other railway servant (including a railway servant on leave preparatory to retirement) employed in the office of the Railway Board, attached office or sub-or-di-

nate office, as the case may be, in which he is working.

(b) The railway servant may also present his case with the assistance of a retired railway servant, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf.

A non-Gazetted Railway servant may take the assistance of an official of a Railway Trade Union, recognised by the Railway Admin. under which the Railway Servant is employed, but shall not engage a legal practitioner. An official of a Railway trade union shall not be allowed to appear in a disciplinary case before an inquiring authority unless he has worked as such in a recognised Railway trade union for a period of at least one year continuously before he appears and subject to the condition that he takes no fees.

Thus Rule 13(a) does not permit a delinquent employee to engage an outside lawyer. In 1977 1 LLJ p. 819, the Hon'ble Delhi High Court, has held as follows :

"Not giving assistance of a Lawyer 18. It is a true that the appellant had asked for help of a lawyer and the same was not given. The Presiding Officer was neither a Lawyer or a Law graduate. The appellant was admittedly not denied the help of a co-employee but she insisted only for a Lawyer's help. It is now well settled that unless the department has the help of a Lawyer or a Law graduate, the employee has no right to a Lawyer's help and if in such circumstances a Lawyer's help is not given, there is no violation of principles of natural justice [Board of Trustees of Port Trust of Bombay (1983 1 LLJ 1) (SC), J. K. Agarwal Vs. Harvana Dev. Corpn. 1991(2) SCC 283 State of Rajasthan Vs. S. K. Dutt Sharma 1993 Suppl. (4) SCC 61]."

Since the Railway Servant (Discipline and Appeal) Rules do not permit the engagement of a defence lawyer, the respondent's rejection of the petitioner's requests to engage a counsel is correct and will not in any way vitiate the enquiry proceedings.

13. As regards the Community Certificate and the School Certificate produced by the petitioner at the time of his application and appointment the petitioner contends that the Second Certificate and Community Certificate are true and that the Tahsildar has cancelled the Community certificate issued to him, behind his back without enquiring him and also without giving an opportunity to him. As regards the Transfer certificate produced by the petitioner, a letter dt. 26-8-1985 sent by the Head Master to the respondent management is marked as Ex. W-5 contains five reasons as to why the school certificate produced by the petitioner is a bogus one. I have already mentioned the five reasons in the earlier part of this award. The petitioner is not able to meet any of the five reasons which have confirmed the bogus

nature of the Transfer certificate produced by the petitioner. The petitioner is also not able to give any explanation or reply to the letter dated 6-12-85 sent by the District Educational Officer to the respondent-management which is marked as Ex. W-4. The management witness has given detailed evidence about the bogus nature of the Transfer certificate produced by the petitioner and a very thorough cross-examination on behalf of petitioner could not shatter the evidence of the management witness.

14. The next contention of the petitioner is that the Tahsildar has not enquired him and did not give an opportunity to him before cancelling his community certificate and has unilaterally cancelled the Community Certificate issued by him earlier. In Ex. W-3 the Tahsildar has clearly mentioned that the petitioner has no documentary evidence other than his School records to prove his community which have now been found as bogus and that the community certificate already issued on 12-6-1976 was based only on school records and therefore has cancelled the Community Certificate issued by him already. During the cross-examination the petitioner has clearly admitted that the Tahsildar sent a letter to him to appear before him and also enquired him. Therefore, here is no truth in the contention of the petitioner that the Tahsildar has cancelled the Community certificate issued earlier behind the back of the petitioner and without giving an opportunity to him to prove his contention. During the cross-examination the petitioner has also admitted about the letters sent by the Headmaster of the School as well as District Educational Officer. Therefore, it could be seen that the petitioner was still aware of the facts and circumstances of the case against him even before the enquiry. The reasons given by the Enquiry Officer to find that the charges framed against the petitioner are held to be proved are sound and natural. I do not find any reason to hold that the findings of the Enquiry Officer are perverse.

15. The appeal preferred by the petitioner against the order of the discharge and subsequent revision have also been rejected by the respondent-management. If it is a case of any other misconduct, this Tribunal could interfere u/s. 11A of the I.D. Act with regard to the justification of the punishment, if the punishment is seen shockingly disproportionate. But this is a case in which very entry into his service has been obtained by producing bogus certificates. During the cross-examination the petitioner has admitted that he produced the Community Certificate as a Scheduled Tribe and he was given appointment and even within 10 years he got four promotions on this ground that he belonged to Scheduled Tribe. Therefore, it is clear from the above admission of the petitioner that he got appointment as well as four promotions in a short period only on the ground that he belongs to Kattu Naicken community which is treated as a Scheduled Tribe community. Even though the petitioner informed the Enquiry Officer that his neighbours are prepared to say about his community, and that he is unable to produce any document, the petitioner has not produced any neighbour or relative to prove that he belongs to Kattu Naicken Community. In the claim statement the petitioner has stated that when he wanted to examine his relatives one particu-

larly Srinivasan, a retired Office Superintendent to prove his community, none of the witness were allowed to be examined. The petitioner has not even attempted to examine any of his relative as a defence witness, much less Thiru Srinivasan a retired Office Superintendent. Nothing prevented the petitioner to examine any of his witness at least before this Tribunal to prove that he belongs to Kattu Naicken Community which has been included as a Scheduled Tribe. The petitioner has failed to prove his community also.

16. The respondent is justified in accepting the findings of the Enquiry Officer and terminating the services of the petitioner. In the result, award passed holding that the termination of service of the petitioner Thiru J. Chandrasekaran is just and proper and the claim statement filed by him is dismissed. No costs.

Dated, this the 10th day of February 1998.

S. ASHOK KUMAR, Industrial Tribunal.

#### WITNESSES EXAMINED

For Petitioner-workman :

W.W. 1 : Th. J. Chandrasekaran.

For Respondent-Management :

M.W. 1 : Evidence eschewed.

M.W. 2 : Th. R. Sivakumar.

#### DOCUMENTS MARKED

For Petitioner-workman :

Ex. W-1/- : Application form submitted by the petitioner (copy).

W-2/13-10-86 : Charge sheet issued to petitioner (copy).

W-3/12-5-86 : Letter from Tahsildar (copy).

W-4/6-12-85 : Letter from D.E.O. (copy).

W-5/26-8-85 : Letter from Kalvala Kannan Chettiar High School (copy).

W-6/12-1-76 : Community Certificate issued by the Tahsildar, Purasawalkam (copy).

W-7/- : Reply to charge sheet (copy).

W-8/- : Enquiry Proceedings (copy).

W-9- : Written statement given by the Presenting Officer (copy).

W-1/13-8-87 : Reply to the Written statement (copy).

W-11/- : Findings of the Enquiry Officer (copy).

W-12/21-3-88 : Punishment order (copy).

W-13/12-4-88 : Appeal preferred by the petitioner (copy).

W-14/20-5-88 : Order passed by the Appellate Authority (copy).

W-15/30-5-88 : Revision petition filed by the petitioner (copy).

W-16/ : Order passed by the Revisional Authority.

नई दिल्ली, 16 जून, 1998

कां०ग्रा० 1330 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे, इलाहाबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[संख्या एल-41012/66/96-आई०ग्रा० (बी)/बी० 1]  
सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Uttar Rly., Allahabad and their workman, which was received by the Central Government on 12-6-98.

[No. L-41012/66/96-IR (B)/B.I.]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 72 of 1997

In the matter of dispute :

BETWEEN :

Sri Dina Nath Tiwari,  
Mandal Sangathan Mantri,  
Uttar Railway Karamchhari Union,  
2-Naveen Market Kanpur.

AND

Mandal Rail Prabandhak,  
Uttar Railway,  
Allahabad Mandal,  
Allahabad.

APPEARANCE :

Sri D. N. Tiwari—for workman.  
Sri Rameshwar Dayal—for the Management.

## AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-41012/66/96-I.R.(B) dated 25-4-97 has referred the following dispute for adjudication to this Tribunal :

Kya Mandal Rail Prabandhak Uttar Railway Allahabad ke dwara anulagan me diye gaye Bhugtano ka Bhugtan na karna nayochit avam vaidhanik hai ?  
Ydi nahi to sambandhit karamchhari kis anutosh ka hakdar hai ?

2. It is unnecessary to give the details of the case as after filing claim statement the concerned workman has not appeared before me for adducing his evidence. Hence the reference is answered against the concerned workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जून, 1998

कां०ग्रा० 1331 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्थ रेलवे, लखनऊ के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[संख्या एल-41012/112/94-आई०ग्रा० (बी-2)/बी० 1]  
सनातन, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1331.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., Lucknow and their workman, which was received by the Central Government on 12-6-98.

[No. L-41012/112/94-IR (B-2)/B.I.]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 99 of 1995

In the matter of dispute :

BETWEEN :

Working President (Zonal),  
Uttar Railway Karamchhari Union,  
96/196 Roashan Lane,  
Ganeshganj Lucknow.

AND

Senior D.P.O.  
Northern Railway,  
Hazratganj Lucknow.

APPEARANCE :

Sri P. K. Tiwari—for the workman.  
Sri Hamid Quraishy—for the Management.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-41012/112/94-I.R. (B-2) dated 7-8-95 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management D.R.M. Northern Railway Lucknow not to regularise the service of Shri A. K. Roy workman as typist w.e.f. 17-8-87 is legal and justified ? If not to what relief he is entitled to ?

2. Earlier in this reference exparte award against the workman was given on 13-12-95. Later on this award was set aside on the application of the concerned workman.

3. The case of the concerned workman A. K. Roy is that he was engaged as Khalasi on 1-3-84. He was sent on deputation to construction unit on 24-11-86. On 17-8-87 he was promoted as typist under Senior Signal Telecom Engineer (C) Northern Railway Lucknow. Since then he is continuously worked as typist. Hence he is entitled for regularisation as typist from 17-8-87.

4. The opposite party has filed reply in which it has been denied that concerned workman was temporarily deputed as typist. Instead it was stop gap arrangement. Further no one can be promoted as typist from the post of Khalasi without passing screening test and interview.

5. In the rejoinder nothing new has been said.

6. The workman was given repeated opportunities to prove his case. Ultimately he was debarred from giving evidence on 12-2-98. The management did adduce any evidence.

7. From the above it will seen that it is a case of no evidence. As the concerned workman has failed to prove his case my award is that concerned workman is not entitled for regularisation as typist at all. Consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 15 जून, 1998

कांश्रा० 1332.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम के प्रबन्धनन्त के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-98 को प्राप्त हुआ था।

[सं० एल-15012/4/97-आई०आर० (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 15th June, 1998

S.O. 1332.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.S.I.C. Hospital and their workman, which was received by the Central Government on the 15-6-1998.

[No. L-15012/4/97-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 24/98

In the matter of dispute between :

Shri Ram Baksh Singh, Mali through The General Secretary,  
All India Engg & General Maz. Union,  
E-127, Karampura, New Delhi-110015.

#### VERSUS

The Dy. Director (Admn.) E.S.I. Hospital, Basai-darapur, Ring Road, New Delhi-110015.

#### APPEARANCES :

Shri R. S. Rawat for the workman.

Shri Mahender Kumar for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-15012/4/97/IR(M) dated 31-12-1997, has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of E.S.I.C. Hospital at Basai Darapur, New Delhi-15 in terminating the services of Shri Ram Baksh Singh Mali is just, fair and legal ? If not, what relief the workman is entitled to ?"

2. Notice of the reference was sent to the parties. Management authorised Smt. Urmila Nayyar their representative to appear in this case. Registered notice was sent again to the workman and R. S. Rawat appeared on behalf of the Union. He absented on the next date of hearing and again appeared on 26-5-1998 and made statement that notice has been served to the Union which was handed over to him without the case file. The claimant has also not turned up to prove him on the matter. He further stated that a No Dispute Award in this case may be made and the case may be closed.

3. In view of this situation the workman does not seem to be interested in proceedings with this dispute. A No Dispute award is, therefore, given in this case leaving the parties to bear their own costs of the dispute.

5th June, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 15 जून, 1998

कांश्रा० 1333.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम के प्रबन्धनन्त के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-98 को प्राप्त हुआ था।

[सं० एल-15012/6/97-आई०आर० (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 15th June, 1998

S.O. 1333.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.S.I.C. Hospital and their workman, which was received by the Central Government on the 15-6-1998.

[No. L-15012/6/97-IR(Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING  
OFFICER : CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL : NEW DELHI

I.D. No. 22/98

In the matter of dispute between :

Shri Girdhari Singh, Sweeper, through The  
General Secretary, E-127, Karampura, New  
Delhi-110015.

## VERSUS

The Dy. Director (Admn.) E.S.I. Hospital,  
Basaidarapur, Ring Road, New Delhi-  
110015.

## APPEARANCES :

Shri R. S. Rawat for the workman.

Shri Mahender Kumar for the Management.

## AWARD

The Central Government in the Ministry of Labour  
vide its Order No. L-15012/6/97/IR(M) dated  
31-12-1997 has referred the following industrial dis-  
pute to this Tribunal for adjudication :—

“Whether the action of the management of  
E.S.I.C. Hospital at Basai Darapur, New  
Delhi-15 in terminating the services of Shri  
Girdhari Singh, Sweeper is just, fair and  
legal ? If not, what relief the workman is  
entitled to ?”

2. Notice of the reference was sent to the parties.  
Management authorised Smt. Urmila Nayyar their  
representative to appear in this case. Registered  
notice was sent again to the workman and R. S. Rawat  
appeared on behalf of the Union. He absented on the  
next date of hearing and again appeared on 26-5-1998  
and made statement that notice has been served to  
the Union which was handed over to him without the  
case file. The claimant has also not turned up to prove  
him on the matter. He further stated that a No Dis-  
pute award in this case may be made and the case may  
be closed.

3. In view of this situation the workman does not  
seem to be interested in proceedings with this dispute.  
A No Dispute award is, therefore given in this case  
leaving the parties to bear their own cost of the  
dispute.

4th June, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 15 जून, 1998

कां.आ. 1334.—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय  
सरकार कर्मचारी राज्य बीमा निगम के प्रबन्धतन्त्र के सम्बद्ध  
नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट  
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

1724 GI/98—8

नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय  
सरकार को 15-6-98 को प्राप्त हुआ था।

[सं. एल-15012/7/97-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 15th June, 1998

S.O. 1334.—In pursuance of Section 17 of the In-  
dustrial Disputes Act, 1947 (14 of 1947), the Central  
Government hereby publishes the Award of the Central  
Government Industrial Tribunal, New Delhi as  
shown in the Annexure, in the industrial dispute be-  
tween the employers in relation to the management of  
E.S.I.C. Hospital and their workmen, which was re-  
ceived by the Central Government on 15-6-1998.

[No. L-15012/7/97-IR(Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUST-  
RIAL TRIBUNAL, NEW DELHI

I.D. No. 21/98

In the matter of dispute between :

Shri Dharam Singh through the Gen. Secretary,  
All India Engg. & Gen. Maz. Union,  
E-127, Karampura, New Delhi-110015.

## VERSUS

The Dy. Director (Admn.)  
E.S.I. Hospital,  
Basaidarapur,  
Ring Road,  
New Delhi-110015.

## APPEARANCES :

Shri R. S. Rawat for the workman.

Shri Mahender Kumar for the Management.

## AWARD

The Central Government in the Ministry of Labour  
vide its Order No. L-15012/7/97/IR(M) dated  
31-12-1997 has referred the following industrial dis-  
pute to this Tribunal for adjudication :—

“Whether the action of the management of  
E.S.I.C. Hospital at Basai Darapur, New  
Delhi-15 in terminating the services of Shri  
Dharam Singh, Sweeper is just, fair and  
legal ? If not, what relief the workman is  
entitled to ?”

2. Notice of the reference was sent to the parties.  
Management authorised Smt. Urmila Nayyar their  
representative to appear in this case. Registered  
notice was sent again to the workman and Shri R.S.  
Rawat appeared on behalf of the Union. He absented  
on the next date of hearing and again appeared on  
26-5-1998 and made statement that notice has been  
served to the Union which was handed over to with-

out the case file. The claimant has also not turned upto prove him on the matter. He further stated that a No dispute award in this case may be made and the case may be closed.

3. In view of this situation the workman does not seem to be interested in proceedings with this dispute. A No Dispute award is therefore, given in this case leaving the parties to bear their own costs of the dispute.

3rd June, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 15 जून, 1998

का०आ० 1335.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उ० प्र० राज्य मिनरल डेवलपमेन्ट कारपोरेशन के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-98 को प्राप्त हुआ था।

[सं० एल-29011/30/95-आई०आर० (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 15th June, 1998.

S.O. 1335.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.P. State Mineral Development Corpn., and their workman, which was received by the Central Government on 15-6-1998.

[No. L-29011/30/95-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL CUM LABOUR COURT  
PANDU NAGAR KANPUR

Industrial Dispute No. 5 of 1997

In the matter of Dispute between

Sachiv  
Mine Workers Union  
Dala, Zila Sonbhadra

AND

Praband Nideshak  
U.P. State Mineral Development Corpn.  
Pragati Kendra IInd Floor Kapoorthala  
Commercial Complex  
Aliganj Lucknow

#### APPEARANCES :

Shri V. Singh for the Management.  
None for the workman.

#### AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-29011/30/95-I.R. (Vividh) dated 31-12-1996 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of U.P. State Mineral Development Corporation Ltd., Kapurthala Commercial Complex, Aliganj Lucknow in not extending the benefit of leave as per service rule applicable prior to 30-3-1985 the date of certification of their standing order to the 170 employees (as per list attached) of their Chopan Unit is justified? If not, to what relief the workmen are entitled?"

2. It is unnecessary to give the details of the case as after change of pleadings the concerned workmen has not appear before me for adducing their evidence. Hence the reference is answered against the concerned workmen for want of prosecution and proof and they are not entitled for any relief.

22-5-1998.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जून, 1998

का०आ० 1336.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार म० प्र० स्टेट माइनिंग कारपोरेशन लि० के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-98 को प्राप्त हुआ था।

[सं० एल-29012/115/94-आई०आर० (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 12th June, 1998

S.O. 1336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.P. State Mining Corporation Ltd., and their workman, which was received by the Central Government on 12-6-1998.

[No. L-29012/115/94-IR(Misc.)]

B. M. DAVID, Desk Officer



अनुबन्ध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर,  
म०प्र०

डी० एन० दीक्षित

पीठासीन अधिकारी

प्र० क्र० सीजीआईटी/एलसी/आर/76/95

महासचिव,

म०प्र० खदान स्वतन्त्र मजदूर संगठन,

पोस्ट : बाराद्वार,

जिला—बिलासपुर (म०प्र०)

—प्रार्थी

बि०

प्रबन्ध निवेशक,

म०प्र० स्टेट माइनिंग कारपोरेशन लि०,

ई/5, 14 रविशंकर नगर, एरिया कालोनी,

भोपाल-426016 (म०प्र०)

—प्रतिप्रार्थी

अवाइ

दिनांक 20-5-1998

1. श्रम मंत्रालय, भारत सरकार, नई दिल्ली ने अपने आदेश संख्या एल-29012/115/94-आई०आर० (विविध) दिनांक 4-5-95 के द्वारा निर्माणाखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

अनुसूची

"Whether the action of the management of M. P. State Mining Corporation in relation to their Keshakal Bauxite Mine in declaring closure of the establishment w.e.f. 9-3-94 without following the procedure for closing down an undertaking as per the provisions of the Industrial Disputes Act, 1947 is justified? If not, to what relief the workmen are entitled?"

2. दिनांक 17-10-97 को श्रमिक यूनियन की ओर से यूनियन प्रतिनिधि उपस्थित हुए। दिनांक 21-11-97 को भी ये उपस्थित रहे। दिनांक 23-1-98, 16-3-98 और 1-5-98 को श्रमिक यूनियन अनुपस्थित रही। ऐसा प्रतीत होता है कि श्रमिक यूनियन को प्रकरण के निराकरण में कोई रुचि नहीं है। अवाइ दिया जाता है कि श्रमिक यूनियन विवाद का निराकरण नहीं चाहती। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

3. अवाइ की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती हैं।

डी० एन० दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 16 जून, 1998

का०आ० 1337.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर टेलीकॉम (ईस्ट), वाराणसी के

प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-98 को प्राप्त हुआ था।

[सं० एल-40012/237/94-आई०आर०/(डी०यू०)]

के० वी० बी० उज्जनी, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager Telecom (East), Varanasi and their workman, which was received by the Central Government on 16-6-1998.

[No. L-40012/237/94-IR(DU)]

K.V.B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 6 of 1996

In the matter of dispute between:

Mohd. Hamid,  
Village Parasrampur  
Post Deshpal P.O. Amethi  
District Sultanpur U.P.

AND

General Manager  
Telecom (East)  
Telibagh Varanasi

1. Central Government Ministry of Labour, vide notification No. L-40012/237/94-I.R. (DU) dated 25-2-1994 has referred the following dispute for adjudication to this tribunal :—

"Whether the General Manager Telecom (East) Varanasi is legal and justified in terminating the services of Sri Mohammad Hamid Casual Driver? If not, to what relief the workman is entitled?"

2. The concerned dworkman Mohammad Hamid was engaged as driver on 11-7-1989 by the opposite party Telecom Deptt. at Amethi District Sultanpur. He continuously worked upto 3-1-1992. He asked for regularisation he was removed from service. As he had completed more than 240 days in a year and as he had not been paid retrenchment compensation and notice pay his termination is bad. Besides one Vijay was engaged subsequently but he was not given opportunity.

3. The opposite party has filed reply in which it has been alleged that the opposite party department is not an industry. The concerned workman was engaged as driver on daily wages till completion of project. When the project was completed he was removed from service. It is denied that new hands have been engaged subsequently.

4. In the rejoinder nothing new has been alleged.

5. In the case of General Manager Telecom versus S. Srinivasa Rao 1998 Lab IC 883 it has been held that Telecom Deptt. is an Industry. In view of this authority of the Hon'ble Supreme Court, I have no hesitation in holding that opp. party is an industry.

6. In the next place it will be seen if the concerned workman was engaged in any project. Neither in the claim statement nor in the evidence of N. N. Dwivedi M.W. 1 the details of project have been given. Even papers have not been filed. On the other hand the concerned workman has stated that he was engaged in a clear vacancy. I think it was necessary for the management to have given these papers supported by affidavit to show that there was any project at all. In its absence I disbelieve the version of the management and hold that the concerned workman was not engaged on any project. The concerned workman Mohd. Hamid has stated that when he was removed from service on 31-1-1992 he had completed for more than 240 days in a year. This fact has not been denied by the management witness N. N. Dwivedi. Further the management could have falsified this claim by filing vouchers to show the number of working days. In its absence drawing adverse inference, I accept the version of the concerned workman and hold that he had completed more than 240 days in a year preceding the date of his termination. Admittedly no retrenchment compensation and notice pay has been paid to him hence this termination is bad in law. Similarly there is un rebutted evidence of the concerned workmen that after his termination Vijay was engaged but he was not given opportunity. As it is un rebutted, I accept it. There has been breach of provision of section 25H of I.D. Act as well. Further, I finding this act of the management in engaging Vijay subsequent to the termination of the concerned workman as strong circumstances to show that the work was not that of project. Instead it was a continuing process otherwise Vijay would not have been engaged.

7. In the end in view of above discussion, my award is that termination of the concerned workman is bad and he will be entitled for reinstatement, but without back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जून, 1998

कांआ० 1338.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी०डी०एम०, टेलीकॉम डिपार्टमेन्ट, आगरा के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित

करती है, जो केन्द्रीय सरकार को 16-6-98 को प्राप्त हुआ था।

[सं० एल-40012/35/95-आई०आर० (डी०यू०)]

के० बी० बी० उष्णी, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of TDM, Telecom Deptt., Agra and their workman, which was received by the Central Government on 16-6-1998.

[No. L-40012/35/95-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

INDUSTRIAL DISPUTE NO. 37 OF 1996

In the matter of dispute between :

Narain Singh son of Balwant Singh, C-179 Kedar Nagar, Shahganj, Agra.

And

Telecom District Manager Telecom, Agra.

#### AWARD

1. Central Govt. Ministry of Labour vide notification no. L-40012/35/95-IR(DU) dated 27-5-1996, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of TDM Telecom Department, Agra in terminating the services of Sri Narain Singh is proper, legal and justified? If not, to what relief the workman is entitled?

2. The case of the concerned workman Narain Singh is that he had worked as labour in the store of SDO Telephone, Agra against regular and permanent post from 2-6-1981. He continuously worked upto 5-6-1983, when his services were abruptly brought to an end in breach of provisions of Sec. 25F, G and H of I.D. Act, hence he is entitled for reinstatement with back wages.

3. The opposite party Telecom Department in their reply has alleged that this tribunal has no jurisdiction as the opposite party telecom department does not come-in the definition of Industry. It is further alleged that the concerned workman has left the job of his own. He was not removed from service, hence question of breach of provisions of various sections of I.D. Act does not arise.

4. In the rejoinder it was maintained that the opposite party is an Industry.

5. The management absented itself.

6. In support of his case the concerned workman Narain Singh has examined himself as W.W.1, that he had worked continuously from 2-6-1981 to 5-6-1983 and that his name was sponsored by the employment exchange. There is neither any cross examination nor rebuttal hence, I accept the version of the concerned workman.

7. From the above evidence it is amply established that the concerned workman has completed 240 days in a year preceding the date of termination. Hence, before termination he was entitled for retrenchment compensation and notice pay which has not been paid to him. Accordingly retrenchment is bad being in breach of provisions of section 25F of I.D. Act.

8. The management has attached the copy of judgment in the claim statement of SD Inspector of Post versus Thayam Joseph JT, 1996 (2) SC 457 in which a Division Bench of Hon'ble Supreme Court has held that telecom department is not an industry. It may be noted that in the case of CA. No. 7845/97, GM Tel. Vs. Srinivasarao 1997, IS,C.P. 12, it has been held that above mentioned case was decided per incurium and was not a good law and it was further held that telecom department is an Industry. In view of this authority this objection of the management is overruled.

9. Accordingly it is held that the opposite party is an Industry. In view of above discussion it is held that termination of the concerned workman is bad and he is entitled for reinstatement with back wages from the date of reference.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जून, 1998

का०आ० 1339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार असिस्टेंट इंजीनियर (केबल्स), वाराणसी के प्रबन्ध-तन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-98 को प्राप्त हुआ था।

[सं० एल-40012/43/92-आई०आर० (डी०यू०)]

के० बी० बी० उण्णी, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of Asstt. Engineer, Cables. Varanasi and their workman, which was received by the Central Government on the 16-6-1998.

[No. L-40012/43/92-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 31 of 1993

In the matter of dispute :

BETWEEN

Subachan Kushwaha,  
S/o Sri Awadh Kushwaha,  
C/o Sri C. C. Pandey,  
C-223 GTB Nagar, Kareili,  
Allahabad.

AND

Assistant Engineer,  
Telecom,  
Varanasi.

## APPEARANCE :

A. K. Mathur for the Department & Neeta Mathur for the workman.

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-40012/43/92-I.R.(DU) dated 22-3-93, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of Asstt. Engineer. Cables, Varanasi in terminating the services of Sri Subachan Kushwaha, S/o Sri Awadh Kushwaha, casual mazdoor w.e.f. 1-4-89 is justified? If not what relief he is entitled to?”

2. The case of the concerned workman Shu-bachan Kushwaha is that he was engaged as a casual mazdoor by the opposite party Assistant Engineer Telecom Department Varanasi. He worked upto 31-3-89 continuously. His services were terminated in breach of provisions of section 25F of I.D. Act.

3. The opposite party has filed reply in which in the first place it has been alleged that the opposite party department is not an industry, hence this dispute is bad. Secondly it is alleged that the concerned workman was engaged for specific job

for laying wire etc. It is denied that the concerned workman had worked between August, 1983 to 1987. In fact he had worked in February, 1987 and from October, 1987 to March, 1989. Thereafter project was completed, hence he was asked to approach the parent department.

4. The concerned workman has filed rejoinder in which nothing new has been said.

5. In support of his case, the concerned workman has examined himself as W.W. 1. In rebuttal there is evidence of Jagdish Pal Jaiwal M.W. 1. The concerned workman has stated that he had worked from 1983 to 1987 continuously whereas M.W. 1 has stated that the concerned workman had worked in February, 1987 and then from October, 1987 to March, 1989. I am inclined to believe the version of the management that the concerned workman had not worked before February 1987, because the concerned workman has not filed the certificate which are generally issued by the Assistant Engineer regarding number of working days.

6. As it is admitted to the management I accept that the concerned workman had continuously worked from October, 1987 to March, 1989. I further believe the evidence of Jagdish Pal that from March, 1989 the work was finished. It is a good ground for retrenchment as the concerned workman had completed 240 days, he was entitled for retrenchment compensation and notice pay. As the same has not been given this termination is bad still the concerned workman will not be entitled for reinstatement as the project in which he was working is no more in existence. He will be entitled for compensation in lieu of reinstatement.

7. In view of above my award is that termination of the concerned workman is bad in law. Still he will not be entitled for reinstatement as project in which he was working does not survive. He will be entitled for Rs. 10,000 as compensation in lieu of reinstatement.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जून, 1998

कां०आ० 1340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑल इंडिया रेडियो, गोरखपुर के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-98 को प्राप्त हुआ था।

[सं० एल-42012/139/95-आई०आर० (डी०यू०)]

के० वी० वी० उष्णी, डेस्क अधिकारी

New Delhi, the 16th June, 1998

S.O. 1340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of All India Radio, Gorakhpur and their workman, which was received by the Central Government on 16-6-1998.

[No. L-42012/139/95-IR(DU)]

K. V. B. UNNY, Desk Officer

### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 92 of 1996

In the matter of dispute :

### BETWEEN

Ram Sanwar Singh,  
Peon,  
All India Radio,  
Vill. & Post Nausar,  
Distt. Gorakhpur.

### AND

Executive Engineer,  
All India Radio,  
Gorakhpur.

### AWARD

1. Central Government Ministry of Labour, New Delhi vide notification No. L-42012/139/95-I.R.(DU) dated 1-10-96 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of All India Radio, Gorakhpur in terminating the services of Sri Ram Sanwar Singh, Peon is just and fair? If not, to what relief the workman is entitled?

2. The case of the concerned workman Ram Sanwar Singh is that he was engaged as Peon by the opposite party All India Radio at Gorakhpur Station on 1-6-90 and he continuously worked upto 1-7-95. He was a daily-rated worker. When he asked for regularisation he was removed from service in breach of provisions of section 25F of I.D. Act. Further junior to him like Rajesh Gupta and Anil were retained in service hence there has been breach of provisions of section 25H of I.D. Act as well.

3. The opposite party has filed reply in which it has been alleged that the opposite party is not an industry. The concerned workman was never engaged as a peon. Instead contract was given to him for gardening storing water irrigation and material shifting. As he was not workman there is no question of breach of provisions of Section 25H and G of I.D. Act.

4. Nothing new has been alleged in the rejoinder.

5. As regards first objection the same is overruled as in the case of All India Radio versus Santosh Kumar 1998 Lab I.C. 969, it has been held that All India Radio is an Industry. In view of this ruling of Hon'ble S.C. this preliminary objection of the opposite party is overruled.

6. In the second place it will be seen of the concerned workman was actually engaged as a peon or was a contract worker. The concerned workman Ram Sanwar Singh W.W. 1 has stated that he was engaged as peon and at that time there were no other peon. He used to perform all the duties of peons. Parsuram M.W. 1 AO has stated that the concerned workman was given contract for performing duty. In cross examination in one breath he admitted that there were no peons. Later on he changed the stand and stated that there were peons as well as at this station.

7. The management has relied heavily on Ext. M-1 and M-2. Ext. M. 1 is the voucher for Rs. 250 by which payment was made from 1-4-95 to 15-4-95 as Thekamoney for clearance of premises. Ext. M-2 is the voucher to show such payment for

15-5-95 to 31-5-95 for filling water in Surahi and Water cooler. No voucher from 1-6-90 have been filed. In my opinion these vouchers would have also been relevant. In any case I am of the opinion that payment through such vouchers is nothing but an act of Unfair Labour Practice. From the nature of work as has been mentioned by the management themselves it is more than clear that the concerned workman was doing the job of peon. Hence I do not accept the version of the management and hold that concerned workman was actually engaged as peon and he was performing the duties of a peon but by way of unfair labour practice fake vouchers vide Ext. M-1 and M-2 were prepared. The concerned workman has stated that he had continuously worked for more than 240 days in a year preceding the date of termination. The management has not specifically denied it by way of rebuttal. Hence, I accept it. Accordingly it is held that the concerned workman had completed 240 days preceding the date of termination.

8. Admittedly no retrenchment compensation and notice pay was given to him hence this termination is bad in law. I further believe the unrebutted evidence of the concerned workman that at the time of his termination juniors to him like Rajesh Gupta was retained, hence there has been breach of provision of Section 25G of I.D. Act as well.

9. As a result of above discussion it is held that the termination of the concerned workman is bad and he will be entitled for reinstatement but without back wages.

B. K. SRIVASTAVA, Presiding Officer

